

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1419

Charles J. Jones,

Appellant,

v.

Tom Clements; Jean Johnson;

Mike Kemna,

Appellees.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: September 6, 2007

Filed: September 20, 2007

Before WOLLMAN, BYE, and COLLOTON, Circuit Judges.

PER CURIAM.

Charles Jones appeals the district court's pre-service dismissal of his 42 U.S.C. § 1983 action. We conclude that the appeal should be dismissed for lack of jurisdiction because it was not timely filed: Jones's request for permission to file his appeal out of time was not filed within 30 days after the time for appealing the judgment had expired, and therefore the district court lacked authority to grant him leave to file this appeal out of time. See Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed within 30 days after judgment is entered); Fed. R. App. P. 4(a)(5) (district court can extend time to file notice of appeal if party moves for extension no later than 30 days after time prescribed for filing appeal expires and if party shows

excusable neglect or good cause); Fed. R. App. P. 26(b)(1) (court may not extend time to file notice of appeal except as authorized by Rule 4); Lowry v. McDonnell Douglas Corp., 211 F.3d 457, 462 (8th Cir. 2000) (time limits for filing notice of appeal are mandatory and jurisdictional).

Accordingly, the appeal is dismissed, and Jones's pending motions on appeal are denied as moot.
