

United States Court of Appeals  
For the Eighth Circuit

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No. 12-2461

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David Christian

*Plaintiff - Appellant*

v.

Lt. David Wagner, Captain; Peggy Williams, Inmate Health Manager; Rory Smith;  
Brent Buszka; Aaron Hammes; Robert Schuerer; Lonny Pulkrabek, Sheriff

*Defendants - Appellees*

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Appeal from United States District Court  
for the Southern District of Iowa - Des Moines

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Submitted: November 28, 2012  
Filed: December 3, 2012  
[Unpublished]

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Before LOKEN, BOWMAN, and COLLOTON.

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PER CURIAM.

David Christian appeals from the order of the District Court<sup>1</sup> granting summary judgment to the defendants in his 42 U.S.C. § 1983 action. “[A] timely notice of appeal is mandatory and jurisdictional,” Dieser v. Cont’l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006), and appellant failed to file his notice of appeal within thirty days of the entry of judgment, see Fed. R. App. P. 4(a)(1)(A). Although appellant was incarcerated when he filed this action, he was released months before filing his notice of appeal, and he is therefore not entitled to the benefit of Rule 4(c)(1) of the Federal Rules of Appellate Procedure (prison mailbox rule). We dismiss the appeal as untimely and deny as moot the pending motion to supplement the record.

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<sup>1</sup>The Honorable Robert W. Pratt, United States District Judge for the Southern District of Iowa.