

United States Court of Appeals
For the Eighth Circuit

No. 18-1570

Leroy Hayes, Jr.

Plaintiff - Appellant

v.

City of Saint Paul, Minnesota; JPMorgan Chase Bank, N.A.

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: November 27, 2018
Filed: December 11, 2018
[Unpublished]

Before COLLTON, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

Leroy Hayes appeals after the district court¹ entered an adverse judgment and denied his post-judgment motions. Upon careful review, we conclude that Hayes's notice of appeal was timely only as to the order denying his last post-judgment motion and that the district court did not abuse its discretion in denying that motion. *See Fed. R. App. P. 4(a)(1)(A)* (stating that, in a civil case, the notice of appeal must be filed within 30 days after the entry of the judgment or the order appealed from), *4(a)(4)(A)* (stating that if a party files, *inter alia*, a timely post-judgment motion, the time to appeal runs from the entry of the order disposing of the last such remaining motion); *Dieser v. Cont'l Cas. Co.*, 440 F.3d 920, 923 (8th Cir. 2006) (noting that the requirement of a timely notice of appeal is mandatory and jurisdictional); *see also Peterson v. Travelers Indem. Co.*, 867 F.3d 992, 997 (8th Cir. 2017) (stating that a motion for reconsideration not described by any particular rule of civil procedure is typically construed as a motion under Fed. R. Civ. P. 59(e) or 60(b) and that the denial of such a motion is reviewed for an abuse of discretion); *cf. Arnold v. Wood*, 238 F.3d 992, 997-98 (8th Cir. 2001) (concluding that the denial of a Rule 60(b) motion was not an abuse of discretion where the motion largely reasserted contentions made in earlier motions).

Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Steven E. Rau, United States Magistrate Judge for the District of Minnesota.