



Dorothy Ann Artis v. England Associates, LP

2021 | Cited 0 times | Eleventh Circuit | February 17, 2021

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[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT _____

No. 20-13885 Non-Argument Calendar _____

D.C. Docket No. 1:18-cv-04620-LMM

DOROTHY ANN ARTIS,

Plaintiff-Appellant,

versus

ENGLAND ASSOCIATES, LP, d.b.a. New London Health Center,

Defendant-Appellee. _____

Appeal from the United States District Court for the Northern District of Georgia

(February 17, 2021)

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“The timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Green v. Drug Enf’t Admin.*, 606 F.3d 1296 , 1300 (11th Cir. 2010) (cleaned up) (quoting *Bowles v. Russell*, 551 U.S. 205 , 214 (2007)). To be timely, a notice of appeal must be filed “within thirty days after the entry of [the challenged] judgment, order or decree.” 28 U.S.C. § 2107(a). Upon receiving a motion “filed not later than thirty days after the expiration of the time otherwise set for bringing appeal,” a district court may “extend the time for appeal upon a showing of excusable neglect or good cause.” 28 U.S.C. § 2107(c). For pro se appellants, this Court construes these jurisdictional requirements liberally, and it may construe a document as a notice of appeal if that document is “the functional equivalent” of what Federal Rule of Appellate Procedure 3 requires. *Rinaldo v. Corbett*, 256 F.3d 1276 , 1278–79 (11th Cir. 2001) (cleaned up).

Here, the district court entered a final order and judgment dismissing Artis’s amended complaint on July 23, 2020. Her thirty-day deadline for filing a notice of appeal was therefore August 24th. On September 3rd, Artis filed a motion for extension of time to file a notice of appeal. The district court granted her motion and extended her time to file a notice of appeal until October 5th. Artis, however, did not file the instant notice of appeal until October 14th.

Consequently, Artis’s October 14th notice of appeal is untimely because it was filed over a week after her extended October 5th deadline. Even if this Court

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liberally construed her September 3rd motion as itself being a notice of appeal, that filing would still be late by more than a week because of the original August 24th deadline.

Giving Artis every benefit of the doubt, her September 3rd motion was either an untimely notice of appeal or a timely motion to extend followed by an untimely notice of appeal on October 14th. For these reasons, England Associates' motion to dismiss this appeal for lack of jurisdiction is GRANTED.

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