

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-12556-EE

ROY O. DANIELS,

Petitioner-Appellant,

versus

STATE OF FLORIDA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

Before: WILSON, MARTIN and JILL PRYOR, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. On April 28, 2016, the district court entered an order dismissing as untimely Daniels's 28 U.S.C. § 2254 petition for a writ of habeas corpus. Daniels filed a timely notice of appeal to this Court, which initiated case no. 16-12393. We granted a certificate of appealability in that case on the timeliness issue.

Daniels's present notices of appeal, deemed filed on June 8 and June 11, 2018, are duplicative of the pending appeal in case no. 16-12393, and are untimely to appeal the dismissal order in any event. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A), (a)(7)(A), (c)(1); *Hamer v. Neighborhood Hous. Servs. of Chicago*, 138 S. Ct. 13, 20 (2017); *Green v. DEA*, 606 F.3d 1296, 1300 (11th Cir. 2010) (stating that the statutory time limit for filing a notice of appeal in a

civil case is jurisdictional); *see also Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 374 (1981) (noting “that a party must ordinarily raise all claims of error in a single appeal following final judgment on the merits”); *United States v. Arlt*, 567 F.2d 1295, 1297 (5th Cir. 1978) (noting that an “[a]ppellant is not entitled to two appeals” from the same judgment).

Finally, to the extent that Daniels attempts to appeal from the district court’s April 3 and April 11, 2018, orders denying certain post-judgment motions, his present notices of appeal are also untimely. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A), (c)(1).

All pending motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

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BY THE COURT:

Appellant's motion for reconsideration, which we construe from his pleading filed on October 19, 2018, and the notice of appeal filed on October 22, 2018, is DENIED. All pending motions in this case are DENIED as moot.

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ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Roy O. Daniels failed to pay the filing and docketing fees to the district court, or alternatively, file a motion to proceed in forma pauperis in the district court within the time fixed by the rules, effective July 11, 2018.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Gloria M. Powell, E, Deputy Clerk

FOR THE COURT - BY DIRECTION

**Additional material
from this filing is
available in the
Clerk's Office.**