

**BLD-300 August 30, 2018
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
C.A. No. 18-2118**

**TOWNSHIP OF BERNARDS
vs.
MICHAEL S. BARTH, Appellant
vs.
BERNARDS TOWNSHIP SEWAGE AUTHORITY, ET
AL.
(D.N.J. CIV. No. 3-95-cv-06485)**

**Present: RESTREPO, BIBAS and NYGAARD,
Circuit Judges**

Submitted by the Clerk for possible dismissal due to a
jurisdictional defect in the above captioned case.

Respectfully,
Clerk

ORDER

The foregoing appeal is dismissed for lack of appellate jurisdiction as untimely filed. Final judgment was entered on April 6, 2018. Appellant had 30 days to appeal this order under Federal Rule of Appellate Procedure 4(a)(1)(A) and 28 U.S.C. § 2107(a), or until Monday, May 7, 2018, see Fed. R. App. P. 26(a)(1)(C). Appellant did not file his notice of appeal until May 9, 2018. The taking of

Appendix A2

an appeal within the prescribed time is mandatory and jurisdictional. *Bowles v. Russell*, 551 U.S. 205, 209 (2007). Appellant filed no motions for an extension of time to appeal under Federal Rule of Appellate Procedure 4(a)(5) or (a)(6) in the District Court.

By the Court,
s/ Richard L. Nygaard Circuit Judge
Dated: September 7, 2018
cc: Michael S. Barth
Brent R. Pohlman, Esq.

Case: 18-2118 Document: 003113028299 Page: 1 Date
Filed: 09/07/2018

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

CHAMBERS OF
ANNE E. THOMPSON
JUDGE

U.S. COURTHOUSE
402 E. STATE STREET
ROOM 4000
TRENTON, NJ 08608
(609) 989-2123

LETTER ORDER

To: Michael Barth, Defendant/Third Party
Plaintiff (Pro Se)
cc: Thomas C. Humick, Attorney for the
Township Plaintiff/Third Party Defendants
Andrew J. Goldstein, Attorney for J. Knox
Felter, Jr. (Third Party Defendant)
Re: Township of Bernards v. Barth,
Civ. No. 95-6485

April 6, 2018

Dear Mr. Barth:

The Court has received and considered your letter dated March 26, 2018, which was, submitted in connection with your case before Judge Shipp (Civ. No. 17-3154). It appears you enclosed a Notice of

Appendix A4

Motion to reopen this separate matter (Civ. No. 95~6485) , which was remanded to Bernards Township Municipal Court on April 8, 1996 and closed in this Court on April 11, 1996.

All motions filed in the District of New Jersey must be supported by a separately filed brief as well as a proposed form of order. L. Civ. R. 7.1(d)-(e). Although prose litigants are afforded some leniency, they must still comply with the local rules. *Rosado v. Lynch*, 2017 WL 2495407, at *3 (D.N.J. June 8, 2017). Your Motion was not filed with a supporting brief or proposed order. Given this procedural flaw, and in view of the intervening twenty years this case was remanded and closed, the Motion to Reopen (ECF No. 21) is denied.

Very truly yours,
/signed/

ANNE E. THOMPSON, U.S.D.J.

RECEIVED APR 06 2018
AT 8:30 M WILLIAM T. WALSH CLERK

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