

*Appendix A1*

**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

*Appendix A3*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CHAMBERS OF U.S. COURTHOUSE  
ANNE E. THOMPSON 402 E. STATE STREET  
JUDGE 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.**