

No. 17-6491

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

PAUL DAVID MAZE,)
Plaintiff-Appellant,)
v.)
RENEA TERRELL, Nurse Practitioner, et al.,)
Defendants-Appellees.)

FILED
May 23, 2018
DEBORAH S. HUNT, Clerk

O R D E R

Before: KEITH, WHITE, and BUSH, Circuit Judges.

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Alston v. Advanced Brands & Importing Co.*, 494 F.3d 562, 564 (6th Cir. 2007). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A).

In this civil action, the district court entered its final judgment on April 16, 2015. For the next two years, Paul David Maze filed a number of post-judgment motions seeking to set aside the April 16, 2015 judgment. The latest post-judgment motion was denied on October 25, 2017. Because Maze did not file his notice of appeal from the October 25, 2017 decision until December 5, 2017, the notice of appeal is untimely.

Maze's failure to timely file a notice of appeal deprives this court of jurisdiction. Compliance with § 2107 is a mandatory prerequisite that this court may neither waive nor extend. *Hamer v. Neighborhood Hous. Servs. of Chicago*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Section 2107(c) provides for the possibility of an extension of the time to file a notice of appeal in two circumstances, but a party seeking such an extension

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must file a motion asking for more time. *See* § 2107(c); *Martin v. Sullivan*, 876 F.3d 235, 237 (6th Cir. 2017). Maze has not filed such a motion, and the court will not treat this notice of appeal as a motion for more time to file an appeal. *See Martin*, 876 F.3d at 237.

It is ordered that this appeal is **DISMISSED**.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

No. 17-6491

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Aug 21, 2018

DEBORAH S. HUNT, Clerk

PAUL DAVID MAZE,

Plaintiff-Appellant,

v.

RENEA TERRELL, NURSE PRACTITIONER, ET AL.,

Defendants-Appellees.

O R D E R

BEFORE: KEITH, WHITE, and BUSH, Circuit Judges.

The court received a petition for rehearing en banc. The original panel has reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. The petition then was circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc.

Therefore, the petition is denied.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk