

No. 19-1184

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
May 02, 2019
DEBORAH S. HUNT, Clerk

TYRONE PRICE,

Petitioner-Appellant,

V.

UNITED STATES OF AMERICA,

Respondent-Appellee.

O R D E R

Before: GUY, GIBBONS, and NALBANDIAN, 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). Generally, in a civil case where the United States, a United States agency, or a United States officer or employee is a party, a notice of appeal must be filed within sixty days after the judgment or order appealed from is entered. *See* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B).

On December 13, 2018, the district court entered its judgment denying Tyrone Price's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. Any notice of appeal was due to be placed in the prison mail by February 11, 2019. *See* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B), 4(c). The notice of appeal dated February 15, 2019, postmarked February 20, 2019, and filed in the district court on February 22, 2019, is late

Price's failure to timely file a notice of appeal deprives this court of jurisdiction. Compliance with the statutory deadline in § 2107(b) is a mandatory jurisdictional prerequisite that this court may neither waive nor extend. *See Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 21 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

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Accordingly, it is ordered that the appeal is **DISMISSED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written above a horizontal line.

Deborah S. Hunt, Clerk

Case No. 19-1184

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

TYRONE PRICE

Petitioner - Appellant

v.

UNITED STATES OF AMERICA

Respondent - Appellee

BEFORE: GUY, GIBBONS and NALBANDIAN, Circuit Judges.

Upon consideration of the motion for reconsideration filed by the Appellant,

It is **ORDERED** that the motion for reconsideration be, and it hereby is, **DENIED**.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk



Issued: January 17, 2020

Appendix B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYRONE PRICE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Criminal Case Number 15-20472

Civil Case Number 17-11365

Honorable David M. Lawson

JUDGMENT

In accordance with the order denying the petitioner's post-judgment motions entered on this date, it is **ORDERED AND ADJUDGED** that the petitioner's motion for relief from judgment and motion for reconsideration are **DENIED**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Date: January 15, 2020

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on January 15, 2020.

s/Susan K. Pinkowski

SUSAN K. PINKOWSKI

Appendix B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYRONE PRICE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Criminal Case Number 15-20472
Civil Case Number 17-11365
Honorable David M. Lawson

JUDGMENT

In accordance with the opinion and order denying the motion to vacate sentence entered on this date, it is **ORDERED AND ADJUDGED** that the petitioner's motion to vacate sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: December 13, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 13, 2018.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI