

DLD-167

April 16, 2020

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. 19-3604

EARL T. MOORE, Appellant

VS.

ADMINISTRATOR NEW JERSEY STATE PRISON, ET AL.

(D.N.J. No. 1-18-cv-12911)

Present: RESTREPO, PORTER and SCIRICA, Circuit Judges

Submitted are:

- (1) Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
- (2) By the clerk for possible dismissal due to a jurisdictional defect; and
- (3) Appellees' response

in the above-captioned case.

Respectfully,

Clerk

ORDER

A notice of appeal in a civil case in which the United States is not a party must be filed within 30 days of the entry of the order or judgment being appealed. See Fed. R. App. P. 4(a)(1). The time limits in Rule 4(a)(1) are mandatory and jurisdictional. See Bowles v. Russell, 551 U.S. 205, 209 (2007). On July 10, 2019, the District Court entered its order dismissing Moore's habeas petition. Moore's notice of appeal, dated and submitted to prison officials on October 28, 2019, was filed more than 30 days after the District Court entered its order. The District Court denied Moore's motion for an extension of time under Fed. R. App. P. 4(a)(5).

Accordingly, the appeal is dismissed for lack of jurisdiction. As a result, we do not consider the issuance of a certificate of appealability.

By the Court,

s/ L. Felipe Restrepo  
Circuit Judge

Dated: May 1, 2020  
Tmm/cc: Earl T. Moore  
Nancy P. Scharff, Esq.



A True Copy:

*Patricia S. Dodswein*

Patricia S. Dodswein, Clerk  
Certified Order Issued in Lieu of Mandate