

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OCT 23 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CHARLES T. KIRVIN,

Plaintiff-Appellant,

v.

L. GRANT, Legal Correctional Officer, in
individual and official capacity; et al.,

Defendants-Appellees.

No. 19-55857

D.C. No.
2:18-cv-07998-AG-SS

Central District of California,
Los Angeles

ORDER

Before: SILVERMAN, W. FLETCHER, and RAWLINSON, Circuit Judges.

A review of the record and appellant's response to the August 22, 2019 order to show cause demonstrates that this court lacks jurisdiction over this appeal because the notice of appeal, served on July 16, 2019 and filed on July 22, 2019, was not filed or delivered to prison officials within 30 days after the district court's judgment entered on March 1, 2019. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional); *Bowles v. Russell*, 551 U.S. 205 (2007) (court lacks authority to create equitable exceptions to jurisdictional requirement of timely notice of appeal); *see also* Fed. R. App. P. 4(a)(6) (motion to reopen time to appeal must be filed within 180 days after entry of judgment or within 14 days after receiving

notice of entry of judgment, whichever is earlier). Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.