

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

July 23, 2020

Before:

Daniel A. Manion, Circuit Judge
David F. Hamilton, Circuit Judge
Michael B. Brennan, Circuit Judge

BRENDA L. WHITE,
Plaintiff-Appellant,

No. 20-2213 v.

**YANG ACUPUNCTURE and WEI YANG,
Defendants-Appellees.**

ORDER

On consideration of the papers filed in this case and review of the short record,

IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction.

Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal in a civil case be filed in the district court within 30 days of the entry of the judgment or order appealed. In this case judgment was entered on May 12, 2020, and the order denying plaintiff Brenda L. White's Motion for Reconsideration (filed on May 18, 2020) was entered on June 1, 2020, starting the time to appeal. The notice of appeal filed on July 7, 2020, therefore, is six days late. The district court has not granted an extension of the appeal period, *see* Rule 4(a)(5), and this court is not empowered to do so, *see* Fed. R. App. P. 26(b).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRENDA L. WHITE,)
Plaintiff,)
v.)
YANG ACUPUNCTURE,)
WEI YANG,)
Defendants.)
No. 1:20-cv-00813-JRS-TAB

Order Dismissing Case

On March 12, 2020 Plaintiff Brenda L. White filed an action against Yang Acupuncture and Wei Yang for “breach of verbal contract,” seeking to invoke this Court’s diversity jurisdiction under 28 U.S.C. § 1332. (Pl. Compl., ECF No. 1.)

Because Plaintiff failed to present a claim between parties of diverse citizenship, the Court ordered Plaintiff to show cause by May 4, 2020 why the Complaint should not be dismissed. As of the date of this Court's Order, Plaintiff has not filed an amended complaint or otherwise shown cause why this case should not be dismissed for lack of subject-matter jurisdiction. This cause is therefore **dismissed with prejudice**. A final judgment will be entered separately.

SO ORDERED.

Date: 5/12/2020

JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

Distribution:

BRENDA L. WHITE
4141 N. Ridgeview Drive
Indianapolis, IN 46226

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
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Final Judgment

For the reasons set forth in the separate Order signed this day, Plaintiff Brenda L. White's claims against Defendants Yang Acupuncture and Wei Yang are **dismissed with prejudice.**

SO ORDERED.

Date: 5/12/2020

Roger A. G. Sharpe, Clerk

JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

BY: Deputy Clerk, U.S. District Court

Distribution:

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from this filing is
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Clerk's Office.**