

No. 20-6202

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Nov 16, 2020
DEBORAH S. HUNT, Clerk

BERYL HARRIS MCCRAY,)
Plaintiff-Appellant,)
v.)
FEDEX EXPRESS,)
Defendant-Appellee.)

O R D E R

Before: McKEAGUE, DONALD, and READLER, Circuit Judges.

“Every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction” *Alston v. Advanced Brands & Importing Co.*, 494 F.3d 562, 564 (6th Cir. 2007) (quoting *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 95 (1998)). A private party in a civil case generally must file a notice of appeal within thirty days after the judgment or order appealed from is entered. 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A).

On August 12, 2020, the district court granted summary judgment in favor of defendant FedEx Express on all of plaintiff Beryl Harris McCray’s claims. The district court entered a final judgment that same day. Any notice of appeal from the judgment was due to be filed on or before September 11, 2020. *See 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A), 26(a)*. On September 8, 2020, FedEx Express filed a motion for a bill of costs that remains pending in the district court. On October 16, 2020, McCray filed a notice of appeal from the August 12 judgment.

The notice of appeal is untimely as to the district court’s judgment. FedEx Express’s motion for a bill of costs did not extend the time to file an appeal. *See Fed. R. Civ. P. 58(e)*.

McCray’s failure to file a timely notice of appeal deprives this court of jurisdiction. Compliance with the statutory deadline in § 2107(a) is a mandatory jurisdictional prerequisite that

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this court may not waive. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 21 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). And the statutory provisions permitting the district court to extend or reopen the time to file a notice of appeal do not apply here. See 28 U.S.C. § 2107(c).

Accordingly, appeal No. 20-6202 is **DISMISSED** for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk