

NOT RECOMMENDED FOR PUBLICATION

No. 21-5905

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JEROME PERKINS,

Petitioner-Appellant,

v.

GRADY PERRY, Warden.

Respondent-Appellee.

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ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF
TENNESSEE

DEBORAH S. HUNT, Clerk

Dec 16, 2021

Dec 16, 2021

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ORDER

Before: NORRIS, WHITE, and THAPAR, Circuit Judges.

On August 2, 2021, the district court entered its judgment denying Jerome Perkins's petition for a writ of habeas corpus under 28 U.S.C. § 2254. Any notice of appeal was due to be filed on or before September 1, 2021. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a), 26(a). The notice of appeal, postmarked September 7, 2021, was filed in the district court on September 14, 2021.

In response to our jurisdictional show-cause order, Perkins explains that there was good cause for the late filing of his appeal because he had limited access to the prison law library and legal resources. But this court has no authority to extend the time for filing a notice of appeal. *See* Fed. R. App. P. 26(b)(1). Only the district court may do so, and only under limited circumstances and for a limited time. 28 U.S.C. § 2107(c); Fed. R. App. P. 4(a)(5); *see Martin v. Sullivan*, 876

F.3d 235, 236-37 (6th Cir. 2017) (per curiam). Because the time to file a motion for an extension of time in the district court expired on October 1, 2021, Perkins has no recourse to save this late appeal. *See* 28 U.S.C. § 2107(c); Fed. R. App. P. 4(a)(5). Compliance with § 2107 is a mandatory jurisdictional prerequisite that this court may neither waive nor extend. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). We therefore lack jurisdiction over this appeal.

It is ordered that this appeal is **DISMISSED**.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk