

CLD-212

August 4, 2022

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 22-1951

FRANCIS STOCK,
Appellant

v.

CHANELLE BRASWELL, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY
AS AN AGENT OF THE PENNSYLVANIA BOARD OF PROBATION AND
PAROLE; ET AL.

(E.D. Pa. Civ. No. 2-16-cv-06412)

Present: AMBRO, SHWARTZ, and BIBAS, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellees' Response to Legal Division Letter;
- (3) Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6;
- (4) Appellant's Reply to Appellees' Response to Legal Division Letter; and
- (5) Appellant's Argument in Support of Appeal

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)(A); see also Bowles v. Russell, 551 U.S. 205, 209–14 (2007) (explaining that the time limit of Rule 4(a)(1) for commencing a civil appeal is mandatory and jurisdictional). The District Court's order was entered on October 1, 2021. Appellant

had 30 days—until November 1, 2021 (October 31 is a Sunday)—to file a notice of appeal. His notice of appeal was not filed until May 11, 2022, over seven months after the 30 day-period had elapsed, making it untimely. Accordingly, this appeal is dismissed for lack of jurisdiction as untimely filed.

By the Court,

s/Stephanos Bibas
Circuit Judge

Dated: August 11, 2022

CJG/cc: Francis Stock
Sean A. Kirkpatrick, Esq.



A True Copy:

Patricia S. Dodsweit

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

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

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August 11, 2022

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Francis Stock
Phoenix SCI
1200 Mokychic Drive
P.O. Box 244
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RE: Francis Stock v. Chanelle Braswell, et al
Case Number: 22-1951
District Court Case Number: 2:16-cv-06412

ENTRY OF JUDGMENT

Today, **August 11, 2022** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/ Caitlyn
Case Manager
267-299-4956

Cc: Mr. George V. Wylesol

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCIS STOCK

Plaintiff,

v.

CHANELLE BRASWELL

Defendant.

CIVIL ACTION
NO. 16-6412

ORDER

AND NOW this 30th day of September, 2021, it is hereby ORDERED as follows:

- (1) Defendant's Motion for Leave to File a Reply in Support of Motion for Summary Judgment (ECF No. 46) is GRANTED and the Reply Brief attached thereto shall be deemed FILED as of this day;
- (2) Upon consideration of Defendant's Motion for Summary Judgment (ECF No. 44), Plaintiff's Response thereto (ECF No. 45) and Defendant's Reply, it is hereby ordered that said Motion is GRANTED in accordance with this Court's accompanying Memorandum; and,
- (3) The Clerk of Court is hereby directed to enter judgment in IN FAVOR of DEFENDANT CHANELLE BRASWELL and AGAINST PLAINTIFF FRANCIS STOCK and CLOSE this case.

BY THE COURT:

/s/ C. Darnell Jones, II J.

**Additional material
from this filing is
available in the
Clerk's Office.**