

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 24 2024

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

DAMIEN DESHAWN PUGH Esquire,

Plaintiff - Appellant,

v.

MARTIN J. O'MALLEY, Commissioner of
Social Security,

Defendant - Appellee.

No. 24-5190

D.C. No.

2:24-cv-00055-RSM

Western District of Washington,
Seattle

ORDER

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

A review of the record and appellant's response to this court's August 30, 2024 order demonstrates that this court lacks jurisdiction over this appeal because the August 22, 2024 notice of appeal was not filed in the district court within 60 days after the district court's judgment entered on June 20, 2024. *See* 28 U.S.C. § 2107(b); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional); *Aldabe v. Aldabe*, 616 F.2d 1089, 1091 (9th Cir. 1980) (notice of appeal is timely filed if received by the district court within the applicable period specified in Fed. R. App. P. 4); *see also* Fed. R. App. P. 26(b)(1); *Bowles v. Russell*, 551 U.S. 205 (2007) (court lacks authority to create

equitable exceptions to jurisdictional requirement of timely notice of appeal).

Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.

APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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MAY 6 2025

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

DAMIEN DESHAWN PUGH Esquire,

Plaintiff - Appellant,

v.

LELAND DUDEK, Acting Commissioner
of Social Security,

Defendant - Appellee.

No. 24-5190

D.C. No.

2:24-cv-00055-RSM

Western District of Washington,
Seattle

ORDER

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

The motion (Docket Entry No. 11) for reconsideration is denied. *See* 9th Cir.

R. 27-10.

No further filings will be entertained in this closed case.

APPENDIX B

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

**DAMIEN PUGH, PRO-SE
Plaintiff**

vs

**COMMISSIONER OF SOCIAL SECURITY,
Defendant**

Case No. C24-0055 RSM

JUDGMENT IN A CIVIL CASE

This action came to consideration before the Court. The issues have been considered and a decision has been rendered. The Commissioner's final decision is affirmed and this case is dismissed with prejudice.

DATED this 20th day of June, 2024.

**RAVI SUBRAMANIAN CLERK, and SERGE BONARCHUK, DEPUTY
CLERK.**