

United States Court of Appeals For the First Circuit

No. 17-2216

ANTHONY DUBOIS,

Plaintiff, Appellant,

DOREEN WENTWORTH,

Plaintiff,

v.

MWV HEALTHCARE ASSOC., INC.; MEMORIAL HOSPITAL; RITA KOSTECKE, MD; M.
ANGUS BADGER, MD,

Defendants, Appellees.

Before

Howard, Chief Judge,
Lynch and Thompson, Circuit Judges.

JUDGMENT

Entered: February 21, 2018

The appellees' motion to dismiss is allowed. We lack jurisdiction to hear this appeal or to consider the appellants' claims about the propriety of the district court judgment. See Fed. R. App. 4(a)(1)(A) (notice of appeal in civil cases must be filed within 30 days after entry of judgment); see also Bowles v. Russell, 551 U.S. 205, 213 (2007) (30-day filing period for notice of appeal in civil case is jurisdictional).

Appeal dismissed.

By the Court:

/s/ Margaret Carter, Clerk

cc: Doreen Wentworth, Anthony DuBois, Sean E. Capplis, Peter A. Meyer

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MWV HEALTHCARE ASSOC., INC.; MEMORIAL HOSPITAL;
RITA KOSTECKE, MD; M. ANGUS BADGER, MD,

Defendants, Appellees.

Before

Howard, Chief Judge,
Lynch and Thompson, Circuit Judges.

ORDER OF COURT

Entered: April 17, 2018

The appellant's March 5, 2018, submission is treated as a petition for panel rehearing and as a motion for return of the filing fee. The petition for panel rehearing is denied. The motion for return of the filing fee is denied; DuBois was properly assessed a filing fee pursuant to this court's Miscellaneous Fee Schedule, and the Federal Rules of Appellate Procedure do not provide for the return of the filing fee where an appeal from a final judgment is dismissed for lack of jurisdiction.

By the Court:

/s/ Margaret Carter, Clerk

cc: Doreen Wentworth
Anthony DuBois
Sean E. Capplis
Peter A. Meyer

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Doreen W.B., Individually and as *
parent of minor son, A.D. *

v. *

1:11-cv-00036-JL

MWV Healthcare Associates, Inc., *
Memorial Hospital, and Rita Kostecke, M.D.*

RULE 41 STIPULATION FOR DISMISSAL WITH PREJUDICE

NOW COME plaintiffs, Anthony Dubois and Doreen Wentworth, and defendants, Rita Kostecke, M.D., MWV Healthcare Associates, Inc., and Memorial Hospital, and stipulate that the pending action shall be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(A)(ii).

Respectfully submitted,

/s/ Doreen Wentworth
Doreen Wentworth, plaintiff, *pro se*
219 Main Street
Lovell, ME 04051
207-925-8022
doreenwentworth13@hotmail.com

Date: March 9, 2014

MWV Associates, Inc. and Memorial Hospital

By their attorneys,
CAPPLIS & CONNORS

By /s/ Sean Capplis
Sean Capplis (NHB #19049)
18 Tremont Street, Suite 220
Boston, MA 02108
617-227-0722
scapplis@capplisandconnors.com

Date: March 19, 2014

/s/ Anthony DuBois
Anthony Dubois, plaintiff, *pro se*
219 Main Street
Lovell, ME 04051
207-925-8200
anthdubois13@gmail.com

Date: March 9, 2014

Rita Kostecke, M.D.

By her attorneys,
SULLOWAY & HOLLIS, PLLC

By /s/ Peter A. Meyer
Peter A. Meyer (NHB #1745)
9 Capitol Street, P.O. Box 1256
Concord, NH 03302-1256
603-224-2341
pmeyer@sulloway.com

Date: March 19, 2014

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on the following persons on this date and in the manner specified:

By first class mail: Doreen Wentworth and Anthony Dubois, 219 Main Street, Lovell,
Maine, 04051

Electronically: Sean Capplis, Esquire

Date: March 19, 2014

/s/ Peter A. Meyer
Peter A. Meyer