

NOT RECOMMENDED FOR PUBLICATION

No. 25-1406

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Aug 1, 2025
KELLY L. STEPHENS, Clerk

MONTAZ LEE KENNEDY,

Plaintiff-Appellant,

V.

SAMUEL FIELDS, Building Director, et al.,

Defendants-Appellees.

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ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
MICHIGAN

ORDER

Before: STRANCH, READLER, and MATHIS, 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)). Generally, in a civil case where neither the United States, a United States agency, nor a United States officer or employee is a party, a notice of appeal must be filed within 30 days after entry of the judgment or order from which the party appeals. 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A).

Montaz Lee Kennedy, a pro se litigant, filed a civil rights action that the district court dismissed on June 26, 2024. On July 29, 2024, Kennedy filed a motion for an extension of time to appeal. The district court denied his motion without prejudice on July 31, 2024.

Kennedy moved for reconsideration. On March 7, 2025, the district court denied his motion. Any notice of appeal from that order was due to be filed by April 7, 2025.¹ Kennedy's

¹ Thirty days from March 7, 2025, was April 6, 2025. Because that day was a Sunday, however, Kennedy had until Monday, April 7, 2025, to timely file his notice of appeal. *See* Fed. R. App. P. 26(a)(1)(C).

No. 25-1406

- 2 -

notice of appeal was filed on April 11, 2025. By prior order, we noted that the notice of appeal was late. We therefore directed Kennedy to show cause why this appeal should not be dismissed on the basis of a late notice of appeal.

Kennedy responded that he did not receive the March 7, 2025, order until April 1, 2025, three days later he “retrieve[d] the necessary documents from the court in anticipation of the appeal,” and, on the fourth day, he mailed his notice of appeal. He states that once he placed the notice in the mail, “there [wa]s nothing [he] c[ould] do” about when it was received.

Kennedy’s notice of appeal is late. The time for filing a notice of appeal runs from entry of the judgment, not the date of service. *See* Fed. R. App. P. 4(a)(1); *Ultimate Appliance CC v. Kirby Co.*, 601 F.3d 414, 416 (6th Cir. 2010). Accordingly, even if Kennedy did not receive the district court’s March 7, 2025, order until April 1, 2025, he was still required to file his notice of appeal by April 7, 2025. And, despite his claim that he mailed the notice four days after he received the district court’s order, the envelope containing the notice of appeal demonstrates that it was not sent until April 9, 2025, after the time to appeal had expired.

Kennedy’s failure to timely file a notice of appeal deprives this court of jurisdiction. The statutory requirement that the notice of appeal be filed within 30 days after the entry of a judgment is a jurisdictional prerequisite that this court may not waive. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 583 U.S. 17, 20, 26-27 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

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

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

No. 25-1406

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Oct 10, 2025
KELLY L. STEPHENS, Clerk

MONTAZ LEE KENNEDY,

Plaintiff-Appellant,

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SAMUEL FIELDS, Building Director, et al.,

Defendants-Appellees.

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ORDER

Before: STRANCH, READLER, and MATHIS, Circuit Judges.

Montaz Lee Kennedy filed a petition for rehearing of this court’s August 1, 2025, order dismissing this appeal for lack of jurisdiction.

Upon careful consideration, this panel concludes that it did not misapprehend or overlook any point of law or fact when it entered the decision. *See* Fed. R. App. P. 40(b)(1)(A).

The petition for rehearing is **DENIED**.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens
Kelly L. Stephens, Clerk

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