

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**BENJAMIN ALLI, SHAKI ALLI, AND BSA  
CORPORATION,**  
*Plaintiffs-Appellants,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2011-5100

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Appeal from the United States Court of Federal  
Claims in case no. 01-CV-669, Judge Francis M. Allegra.

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**ON MOTION**

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Before *RADER, Chief Judge, DYK and O'MALLEY, Circuit  
Judges.*

PER CURIAM.

**O R D E R**

The United States moves to dismiss the appeal be-  
cause the appeal was untimely filed. Benjamin Alli

submits a response.\* The United States replies. Benjamin Alli submits a surreply. Benjamin Alli moves for an enlargement of time to file an entry of appearance for newly retained counsel. The United States opposes in part.

The Court of Federal Claims entered a RCFC 54(b) judgment in the underlying case on June 11, 2010 in the government's favor. BSA Corp. filed its notice of appeal more than one year later, on June 13, 2011.

An appeal from a judgment of the Court of Federal Claims must be filed within 60 days after the entry of judgment unless the time to file is tolled by the filing of a timely motion for reconsideration in the trial court. *See* 28 U.S.C. § 2522; Fed. R. App. P. 4. No such motion was timely filed. Instead, on June 10, 2011, three days before noticing the appeal to this court, Benjamin Alli filed a document in the trial court entitled "motion for relief from default judgment under rule 60(b)." That motion was subsequently denied by the Court of Federal Claims on July 22, 2011. Alli did not appeal that order.

The time limitation for filing a notice of appeal is mandatory and jurisdictional. *Bowles v. Russell*, 551 U.S. 205 (2007) (the timely filing of a notice of appeal in a civil case is a jurisdictional requirement that cannot be waived); *Marandola v. United States*, 518 F.3d 913 (Fed.

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\* The response purports to be submitted on behalf of Benjamin Alli, Shaki Alli, and BSA Corporation. However, Benjamin Alli may not as a pro se submit a document on behalf of another individual or corporation. In any event, we have considered the submitted document, which does not appear to address the untimeliness of the appeal.

Cir. 2008) (applying *Bowles* to appeals from the Court of Federal Claims).

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is granted.
- (2) Any other motions are denied as moot.

FOR THE COURT

NOV 16 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Dawn E. Goodman, Esq.  
Benjamin Alli

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**FILED**  
**U.S. COURT OF APPEALS FOR**  
**THE FEDERAL CIRCUIT**

**NOV 16 2011**

**JAN HORBALY**  
**CLERK**