NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-5035

ROGER TIMOTHY MEZZULO,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims
In case no. 00-CV-435, Senior Judge John P. Wiese.

ORDER

The court considers whether the appellant should be directed to show cause why his appeal should not be dismissed as untimely filed.

On July 26, 2000, the United States Court of Federal Claims entered judgment dismissing Roger Timothy Mezzulo's complaint for lack of jurisdiction. Mezzulo filed a motion for reconsideration on July 4, 2001. The Court of Federal Claims denied the motion for reconsideration on July 13, 2001.

The docket sheet reflects that Mezzulo filed a notice of appeal on December 30, 2009, or approximately 8 years and 6 months after the order denying reconsideration. An appeal from a final judgment or order of the Court of Federal Claims must be filed with that court within 60 days of the date of entry of the judgment or order. See 28 U.S.C. § 2522; Fed. R. App. P. 4(a)(1)(B).

Accordingly,

IT IS ORDERED THAT:

(1) Mezzulo is directed to show cause, within 21 days of the date of filing of this order, why his appeal should not be dismissed as untimely filed. The United States may also respond within that time.

(2) The briefing schedule is stayed pending disposition of the timeliness issue.

FOR THE COURT

JAN 13 2010
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Roger Timothy Mezzulo
Jeanne E. Davidson, Esq.

s20

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

JAN 13 2010

JAN HORBALY
CLERK