

NOTE: This order is nonprecedential.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.

Before GAJARSA, PROST, and MOORE, Circuit Judges.

PER CURIAM.

ORDER

Roger Timothy Mezzulo and the United States respond to the court's January 13, 2010 order directing Mezzulo to show cause why his appeal should not be dismissed as untimely.

On July 26, 2000, the United States Court of Federal Claims entered judgment dismissing 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). Because Mezzulo's appeal is untimely, this court lacks jurisdiction and must dismiss the appeal. See Bowles v. Russell, 551 U.S. 205 (2007) (timely filing of notice of appeal is a jurisdictional requirement).

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

MAR 15 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Roger Timothy Mezzulo
Devin A. Wolak, Esq.

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

MAR 15 2010

JAN HORBALY
CLERK