NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

ENAMUL HAQE CHOWDHURY,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2025-1916

Appeal from the United States Court of Federal Claims in No. 1:24-cv-01545-LAS, Senior Judge Loren A. Smith.

ON MOTION

Before LOURIE, PROST, and CHEN, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's August 7, 2025 order directing the parties to show cause, the United States argues the case should be dismissed as untimely. Enamul Haqe Chowdhury has not responded to the order but moves for leave to proceed *in forma pauperis*.

On March 25, 2025, the United States Court of Federal Claims entered judgment dismissing Mr. Chowdhury's complaint. Mr. Chowdhury moved to reopen his case, which was denied on April 1, 2025. The Court of Federal Claims received Mr. Chowdhury's notice of appeal on July 3, 2025, 100 days after entry of judgment and 93 days after the court denied the motion to reopen.

The timely filing of a notice of appeal from a final decision by the Court of Federal Claims is a jurisdictional requirement that cannot be waived and is not subject to equitable tolling. *Marandola v. United States*, 518 F.3d 913, 914 (Fed. Cir. 2008); *cf. Henderson v. Shinseki*, 562 U.S. 428, 438–39 (2011). Mr. Chowdhury had 60 days to file his notice of appeal from the Court of Federal Claims's decisions, *see* 28 U.S.C. §§ 2107(b), 2522; Fed. R. App. P. 4(a)(1)(B); Fed. Cir. R. 1(a)(1)(C), but he failed to do so. Thus, we lack jurisdiction to review either the final judgment or the denial of Mr. Chowdhury's motion to reopen and must dismiss.

Accordingly,

IT IS ORDERED THAT:

(1) The appeal is dismissed.

(2) All pending motions are denied.

(3) Each party shall bear its own costs.

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

September 26, 2025
Date