

NOTE: This order is nonprecedential.

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

**JOSE A. MONTANO, on behalf of Montano Electrical Contractor,
*Plaintiff-Appellant***

v.

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

2025-1973

Appeal from the United States Court of Federal Claims
in No. 1:25-cv-00700-AOB, Judge Armando O. Bonilla.

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

PER CURIAM.

O R D E R

The United States Court of Federal Claims dismissed Jose A. Montano's complaint and entered judgment on May 8, 2025. The Court of Federal Claims received Mr. Montano's notice of appeal 61 days later on July 8, 2025. This court directed the parties to show cause whether the appeal should be dismissed as untimely. The United States moves for leave to respond to the show cause out of time, ECF No. 7-1, and urges dismissal in its proposed response,

ECF No. 7-2. Mr. Montano did not respond to the court's show cause order. We now dismiss.

To be timely, a notice of appeal must be received by the Court of Federal Claims within 60 days of the entry of the final judgment. 28 U.S.C. §§ 2107(b), 2522; Fed. R. App. P. 4(a)(1)(B); Fed. Cir. R. 1(a)(1)(C). This statutory deadline is mandatory and jurisdictional, such that we may not excuse a late notice. *Marandola v. United States*, 518 F.3d 913, 914 (Fed. Cir. 2008); *see also Henderson v. Shinseki*, 562 U.S. 428, 438–39 (2011); *cf.* Fed. R. App. P. 26(b)(1). Because the notice of appeal was not received within that time, we lack jurisdiction and must dismiss.

Accordingly,

IT IS ORDERED THAT:

- (1) ECF No. 7-1 is granted, and ECF No. 7-2 is accepted for filing.
- (2) The appeal is dismissed.
- (3) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 11, 2025
Date