NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

CHARLES-CLIFTON BEAL,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2026-1917

Appeal from the United States Court of Federal Claims in No. 1:25-cv-01949-EDK, Judge Elaine Kaplan.

ON MOTION

PER CURIAM.

O R D E R

The court directed the parties to show cause because this appeal appears untimely. The United States moves for leave to respond out of time, and Charles-Clifton Beal responds and asks for various relief but does not address the timeliness of his appeal.

On March 25, 2026, the United States Court of Federal Claims entered judgment dismissing Mr. Beal's complaint

for lack of subject matter jurisdiction. Mr. Beal's notice of appeal seeking review of that judgment is dated May 22, 2026, was date-stamped "received" by his prison's legal mail system and postmarked on May 27, 2026, and was received by the Court of Federal Claims on June 3, 2026.

To be timely, a notice of appeal must ordinarily be received by the Court of Federal Claims within 60 days of entry of the judgment. 28 U.S.C. §§ 2107(b), 2522. 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).

Mr. Beal's notice of appeal cannot be deemed received on May 22, 2026. Mr. Beal failed to file a declaration setting out the date of deposit and stating that first-class postage was prepaid, Fed. R. App. P. 4(c)(1)(A)(i), (B), and the other evidence in the record, in particular the legal mail date stamp, does not establish that the notice of appeal was timely presented to the prison authorities, Fed. R. App. P. 4(c)(1)(A)(ii). *See* Fed. Cir. R. 1(a)(1)(C).

Instead, the earliest date the notice can be deemed filed is May 27, 2026, the date it was postmarked and stamped received by the prison's mail system, Fed. R. App. P. 4(c)(1)(A)(ii), but even measured from that date, Mr. Beal's notice of appeal was filed outside the 60-day filing period. Because the appeal is untimely, we must dismiss.

Accordingly,

IT IS ORDERED THAT:

(1) The motion for leave to respond is granted.

(2) The appeal is dismissed, and any other requested relief is denied.

(3) Each side shall bear its own costs.

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

October 29, 2026
Date