

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-3038

John D. Fouts,

Appellant,

v.

John Pierpont, Individually and in his
official capacity as Greene County,
MO, Sheriff; Lee Elliot, individually
and in his official capacity as Green
County, MO, Deputy Sheriff; Ramon
Shane, Dr.,

Appellees.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: November 7, 2001
Filed: November 13, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

John D. Fouts appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 lawsuit. We dismiss the appeal for lack of jurisdiction. Fouts moved the district court for an extension of time to file an appeal more than thirty

¹The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.

days following entry of judgment, and thus Fouts was required to give defendants notice. See Fed. R. App. P. 4(a)(5)(B). Because he did not, the district court lacked authority to grant the extension, and Fouts's ensuing notice of appeal was untimely. See Hable v. Pairolero, 915 F.2d 394, 394-95 (8th Cir. 1990) (district court lacked jurisdiction to order extension where party filed motion more than 30 days after judgment and failed to notify opposing parties).

Accordingly, the appeal is dismissed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.