

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 06-3946

Loran Stewart,

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Appellant,

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v.

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Appeal from the United States
District Court for the
District of Minnesota.

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Jule Hanson; Janis Anderson; Dr. Clyde

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[UNPUBLISHED]

Stephens; Dr. Anderson, Attendant

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Guard; Dr. Vandewege; Patt Adair;

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Dr. Kroeger; Dr. Aye Kihan; Terry

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Carlson; Joan Fabian; Tim Pawlenty;

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Dr. Troedson; Dr. Burkeholder;

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Jennifer Southwick, Sued as Jennefer

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Southwick; Thomas M. Peterson; Ms.

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Zebrasky; Terrain Pangerl; Connie

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Ring; Dan Hilleren; Corrections

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Medical Services; Pharmacorr,

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Appellees.

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Submitted: February 28, 2007

Filed: March 9, 2007

Before WOLLMAN, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Former Minnesota prisoner Loran Stewart appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 lawsuit under Federal Rule of Civil Procedure 41(b). We dismiss the appeal for lack of jurisdiction.

A timely notice of appeal (NOA) is mandatory and jurisdictional, and this court will raise jurisdictional issues sua sponte. See *Dieser v. Cont'l Cas. Co.*, 440 F.3d 920, 923 (8th Cir. 2006). We find that the district court abused its discretion by granting Stewart an extension to file his NOA. See *Lowry v. McDonnell Douglas Corp.*, 211 F.3d 457, 462 (8th Cir. 2000) (standard of review). A district court may extend the time to file a NOA if a party so moves no later than thirty days after the prescribed time expires, see Fed. R. App. P. 4(a)(5)(A)(i), which in this case would be within sixty days, see Fed. R. App. P. 4(a)(1)(A); but the party must also show excusable neglect or good cause, see Fed. R. App. P. 4(a)(5)(A)(ii), an issue the court did not discuss. We find that the reasons Stewart gave for requesting an extension did not constitute good cause or excusable neglect. See *Gibbons v. United States*, 317 F.3d 852, 853-54 & n.3 (8th Cir. 2003) (discussing standards for finding good cause and excusable neglect).

Accordingly, we dismiss the appeal for lack of jurisdiction.
