

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 12-3020

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City of Shorewood

*Plaintiff - Appellee*

v.

Ronald Richard Johnson; Dee Lundberg Johnson

*Defendants - Appellants*

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Appeal from United States District Court  
for the District of Minnesota - Minneapolis

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Submitted: March 25, 2013

Filed: March 28, 2013

[Unpublished]

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Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

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PER CURIAM.

Ronald and Dee Johnson seek to appeal various orders entered by the district court.<sup>1</sup> The Johnsons' notice of appeal (NOA) was filed August 24, 2012, thirty-one

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<sup>1</sup>The Honorable John R. Tunheim, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Janie S. Mayeron, United States Magistrate Judge for the District of Minnesota.

days after the district court entered the final such order on July 24. Therefore, the NOA was untimely as to all the orders for which the Johnsons seek review. See Fed. R. App. P. 4(a)(1)(A) (NOA in civil case must be filed within 30 days after judgment or order appealed is entered); Dieser v. Cont'l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006) (jurisdictional issues will be raised sua sponte if there is indication jurisdiction is lacking; timely NOA is mandatory and jurisdictional); see also In re Cook, 928 F.2d 262, 263 (8th Cir. 1991) (per curiam) (writ of mandamus is not substitute for appeal). Accordingly, we dismiss this appeal for lack of jurisdiction, and we deny the Johnsons' pending motions as moot.

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