

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

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No. 16-3538

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Ira R. Leon

*Petitioner - Appellant*

v.

State of Nebraska; Scott Frakes, Director of the Nebraska Department of Corrections

*Respondents - Appellees*

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No. 16-3826

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Ira R. Leon

*Petitioner - Appellant*

v.

State of Nebraska; Scott Frakes, Director of the Nebraska Department of Corrections

*Respondents - Appellees*

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Appeals from United States District Court  
for the District of Nebraska - Omaha

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Submitted: May 8, 2017  
Filed: May 19, 2017

[Unpublished]

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Before WOLLMAN, BOWMAN, and RILEY, Circuit Judges.

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PER CURIAM.

In his 28 U.S.C. § 2254 case, Ira Leon appeals the district court's<sup>1</sup> orders (1) denying his Federal Rule of Appellate Procedure 4(a)(6) motion to reopen the time to appeal, and (2) denying his Federal Rule of Civil Procedure 60 motion to reopen the judgment denying habeas relief to restart the appeal clock. The district court correctly determined that Leon did not meet the requirements for relief under Rule 4(a)(6), see Fed. R. App. P. 4(a)(6) (providing a district court may reopen the time to file an appeal only if, inter alia, the motion to reopen is filed within 180 days of the entry of the order being appealed or within 14 days after the movant receives notice of entry, whichever is earlier), or under Rule 60(b), see Fox v. Brewer, 620 F.2d 177, 180 (8th Cir. 1980) (holding that a belated filing of a Rule 60(b) motion cannot be used to circumvent jurisdictional time limits for appellate review). We decline to issue a certificate of appealability, see United States v. Rinaldi, 447 F.3d 192, 195 (3d Cir. 2006); United States v. Lambros, 404 F.3d 1034, 1036 (8th Cir. 2005) (per curiam), and dismiss the appeals.

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<sup>1</sup>The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.