

2000 WL 621306

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United States Court of Appeals, District of Columbia  
Circuit.

Bessye NEAL, et al., Appellees

v.

DISTRICT OF COLUMBIA and Margaret A.  
Moore, Director, District of Columbia Department  
of Corrections, Appellees  
Martin Chuks EZEAGU, Appellant

No. 99-7184.

|  
April 25, 2000.

BEFORE: WILLIAMS, RANDOLPH, and ROGERS,  
Circuit Judges.

*ORDER*

PER CURIAM.

\*1 Upon consideration of the court's order to show cause  
filed February 16, 2000, and the response thereto, it is

ORDERED that the order to show cause be discharged. It  
is

FURTHER ORDERED, on the court's own motion, that  
this appeal be dismissed for lack of jurisdiction. The  
district court entered judgment on June 29, 1999, and  
appellant's notice of appeal was filed on August 11, 1999.  
Appellant failed to meet the 30-day deadline under  
Federal Rule of Appellate Procedure 4(a)(1)(A). *See Kidd*  
*v. District of Columbia*, No. 98-7100, 2000 WL 279479  
'2, 5 (D.C.Cir. Mar. 24, 2000); *Franklin v. District of*  
*Columbia*, 163 F.3d 625, 630 (D.C.Cir.1998). Because  
there were multiple appeals, appellant's notice of appeal  
could still have been timely if he filed it within 14 days of  
when the first appeal was filed. *See Fed. R.App. P.*  
*4(a)(3)*. He, however, missed that alternative deadline as  
well. His appeal is therefore untimely. Appellant's  
assertion that he relied on a court clerk's assurance that  
the notice was timely filed does not excuse his untimely  
filing. Because appellant does not assert that the  
assurance he received stems from a formal court order or  
ruling, the "unique circumstances" doctrine does not  
apply. *See Moore v. South Carolina Labor Board*, 100  
F.3d 162 (D.C.Cir.1996) (per curiam). Appellant's other  
contentions do not save his untimely appeal because he  
failed to file in district court a motion to reopen the time  
for filing an appeal pursuant to Rule 4(a)(6). *See Kidd*,  
2000 WL 279479 '2.

The Clerk is directed to withhold issuance of the mandate  
herein until seven days after disposition of any timely  
petition for rehearing or petition for rehearing en banc.  
*See Fed. R.App. P. 41(b); D.C.Cir. Rule 41.*

**All Citations**

Not Reported in F.3d, 2000 WL 621306