

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

IVAN L. MENDEZ,
Plaintiff-Appellant,

v.

THE NATIONAL RAILROADS OF MEXICO
Defendant-Appellee.

2010-1448

Appeal from the United States District Court for the District of New Mexico in 09-CV-1222, Judge Robert C. Brack.

ORDER

Upon review of Ivan L. Mendez's recently docketed appeal, we consider whether Mendez should be directed to show cause why his appeal should not be dismissed for lack of jurisdiction.

Mendez filed a complaint appearing to allege civil rights violations against "The National Railroads of Mexico." The United States District Court for the District of New Mexico dismissed the complaint for failure to state

a claim upon which relief may be granted. Mendez appeals to this court.

This court's jurisdiction over appeals of district court decisions is limited primarily to cases involving patents and suits against the United States not exceeding \$10,000. See 28 U.S.C. § 1295 (a)(1), (2). It does not appear that Mendez's appeal is within this court's jurisdiction. Further, it appears that the appeal was not timely filed. The district court's judgment was entered on January 6, 2010. Any appeal from the district court's judgment was due no later than February 5, 2010. Mendez's appeal, seeking review by this court, was received on July 20, 2010.*

Accordingly,

IT IS ORDERED THAT:

- (1) Mendez is directed to show cause within 21 days of the date of filing of this order why his appeal should not be dismissed.
- (2) The briefing schedule is stayed.

FOR THE COURT

AUG 20 2010

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

AUG 20 2010

JAN HORBALY
CLERK

* Mendez also previously sought review by the United States Court of Appeals for the Tenth Circuit. On July 28, 2010, the Tenth Circuit dismissed that appeal for failure to prosecute.

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cc: Ivan L. Mendez

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