

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 27 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOE PIAZZA, Jr.,

Plaintiff - Appellant,

v.

FEDERAL BUREAU OF PRISONS; et
al.,

Defendants - Appellees.

No. 11-55621

D.C. No. 2:07-cv-01202-DOC-CW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted November 13, 2012**

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Joe Piazza, Jr., appeals pro se from the district court's judgment dismissing his action brought under *Bivens v. Six Unknown Named Agents of Federal Bureau*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of Narcotics, 403 U.S. 388 (1971) and the Federal Torts Claim Act alleging constitutional violations. We dismiss.

We lack jurisdiction to consider Piazza’s challenges to the underlying judgment because Piazza failed to file a timely notice of appeal as to the underlying judgment. *See* Fed. R. App. P. 4(a) (notice of appeal must be filed within sixty days after judgment if one of the parties is the United States); *see also Munden v. Ultra-Alaska Assocs.*, 849 F.2d 383, 386 (9th Cir. 1988) (the appellate court will not “strain to characterize artificially” a postjudgment filing “merely to keep the appeal alive”).

DISMISSED.