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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAUREN PAULSON,

Plaintiff - Appellant / Cross-  
Appellee,

v.

MATT ARBAUGH; et al.,

Defendants - Appellees / Cross-  
Appellants.

And

AMY MITCHELL,

Defendant.

Nos. 13-35077  
13-35407

D.C. No. 3:12-mc-00196-MO

MEMORANDUM\*

Appeals from the United States District Court  
for the District of Oregon  
Michael W. Mosman, District Judge, Presiding

Submitted June 22, 2015\*\*

Before: LEAVY, HAWKINS, and W. FLETCHER, Circuit Judges.

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

\*\* The panel unanimously concludes these cases are suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Lauren Paulson appeals pro se from the district court's summary judgment in his action alleging a conspiracy to deprive him of property. Matt Arbaugh and Craig Russillo cross-appeal from the district court's order granting Paulson's motion to reopen the time to appeal. We dismiss for lack of jurisdiction.

Paulson failed to appeal within 30 days of December 21, 2012, the date on which the district court's judgment was entered, as required by Federal Rule of Appellate Procedure 4(a)(1)(A). The district court granted Paulson's motion to reopen the time to appeal the judgment, but Paulson did not show that he received notice of the judgment more than 21 days after entry of the judgment as required by Rule 4(a)(6). *See* Fed. R. App. P. 4(a)(6)(A); *Arai v. Am. Bryce Ranches Inc.*, 316 F.3d 1066, 1069-70 (9th Cir. 2003) (ruling on a Rule 4(a)(6) motion reviewed for abuse of discretion); *Nunley v. City of Los Angeles*, 52 F.3d 792, 795 (9th Cir. 1995) (the moving party has the burden to demonstrate non-receipt). Accordingly, Paulson's notice of appeal was untimely and we lack jurisdiction. *See Stephanie-Cardona LLC v. Smith's Food & Drug Ctrs., Inc.*, 476 F.3d 701, 703 (9th Cir. 2007) ("A timely notice of appeal is a non-waivable jurisdictional requirement.").

Because we dismiss for lack of jurisdiction, we do not consider Paulson's arguments on appeal addressing the underlying merits or his pending motions.

**DISMISSED.**