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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

GEORGE PAGULAYAN,

Plaintiff and Appellant,

v.

J.P. MORGAN CHASE BANK, N.A. et

al.,

Defendants and Respondents.

A139640

(Solano County  
Super. Ct. No. FCS039873)

Plaintiff George Pagulayan has appealed from a judgment for defendants J.P. Morgan Chase Bank, N.A. et al. We dismiss the appeal as untimely.

The judgment was filed on May 21, 2013. The appellant's appendix includes a notice of entry of judgment filed on May 29, 2013, without a proof of service. We obtained a copy of this document from the trial court, and it includes a proof of service that shows defendants served plaintiff with the notice of entry on May 29, 2013. The notice of appeal had to be filed within 60 days after service of the notice of entry. (Cal. Rules of Court, rule 8.104(a)(1)(B).) The notice of appeal was filed on August 28, 2013, after the 60-day deadline.

“Timely filing of an appeal is an absolute prerequisite to the exercise of appellate jurisdiction; once the deadline expires, we have no power to entertain the appeal.” (*Janis v. California State Lottery Com.* (1998) 68 Cal.App.4th 824, 828–829.) “If a notice of appeal is filed late, the reviewing court must dismiss the appeal.” (Cal. Rules of Court, rule 8.104(b).)

Accordingly, the appeal is dismissed.

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Siggins, J.

We concur:

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McGuinness, P.J.

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Jenkins, J.