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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

GLINDIA BARLEY,

Plaintiff and Appellant,

v.

CITY OF INGLEWOOD,

Defendants and Respondents.

B236356

(Los Angeles County
Super. Ct. No. BC420774)

APPEAL from a judgment of the Superior Court of Los Angeles County.
William C. Willet, Judge. Dismissed.

Glindia Barley, in pro. per., for Plaintiff and Appellant.

Taufiki D. Joshua, Assistant City Attorney, Michael C. Pan, Deputy City
Attorney, for Defendants and Respondents.

Glindia Barley attempts to appeal from a judgment after jury trial ordering that she take nothing on her complaint against defendants City of Inglewood and Celia Islas. Because Barley's appeal was untimely, we dismiss for lack of jurisdiction.

FACTS

Barley brought suit against the City of Inglewood and police officer Islas, alleging that on January 1, 2009, Islas unlawfully arrested her when Islas and other Inglewood Police Department officers responded to a call for assistance at Barley's residence. Immediately following the police visit, Barley was transported to the hospital, complaining of chest pains. When Barley was released from the hospital, she returned to her premises to find that all of her possessions had been removed, allegedly by her sister, Bobbie Scott, with whom she was having an ongoing tenancy dispute. Barley claimed that she suffered physical and emotional injuries due to the actions of Islas and the City of Inglewood.

Barley's action proceeded to trial on causes of action for unlawful arrest, false arrest, conversion and conspiracy, and intentional infliction of emotional distress. Following an eight-day trial, the jury returned unanimous defense verdicts on all counts remaining in the case. Judgment on the jury verdict was entered on July 29, 2011, and notice of entry of judgment was filed and served by mail the same day. Barley filed her notice of appeal on Wednesday, September 28, 2011.

DISCUSSION

This court has no jurisdiction to consider a late-filed appeal, and, in the absence of statutory authorization, may not extend the time for filing a notice of appeal. (*Maynard v. Brandon* (2005) 36 Cal.4th 364, 372-373.) An untimely appeal must be dismissed, either on a party's motion or on the court's own motion. (Cal. Rules of Court, rule 8.104(b); *Estate of Hanley* (1943) 23 Cal.2d 120, 123.)

Barley's appeal was untimely. A notice of appeal generally must be filed within the earliest of 60 days after service of notice of entry of judgment or a file stamped copy of the judgment, or 180 days after entry of judgment. (Cal. Rules of Court, rule 8.104(a).) Notice of entry of judgment in this case was served on July 29, 2011. Barley

filed her notice of appeal 61 days thereafter, on September 28, 2011. The last day for Barley to timely file a notice of appeal was September 27.

The fact that notice of entry was served by mail on July 29, 2011, and received thereafter is irrelevant. Although mail service often results in a five-day extension of time, “Code of Civil Procedure section 1013, subdivision (a) explicitly states that the five-day extension ‘shall not apply to extend the time for filing . . . notice of appeal.’” (*Casado v. Sedgwick, Detert, Moran & Arnold* (1994) 22 Cal.App.4th 1284, 1285-1286 [notice of appeal filed 61 days after service of notice of entry of judgment is untimely].) Therefore, this Court is without jurisdiction to consider Barley’s appeal.

DISPOSITION

The appeal is dismissed.

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BOREN, P.J.

We concur:

ASHMANN-GERST, J.

CHAVEZ, J.