

NICHOLAS A. GLADU

v.

DEPARTMENT OF CORRECTIONS

Submitted on Briefs June 23, 2025
Decided July 8, 2025

Panel: STANFILL, C.J., and MEAD, HORTON, LAWRENCE, DOUGLAS, and
LIPEZ, JJ.

MEMORANDUM OF DECISION

Nicholas A. Gladu appeals from an order of the Superior Court (Kennebec County, *Daniel Mitchell, J.*) dismissing his petition for review of final agency action pursuant to M.R. Civ. P. 80C. Gladu's 80C brief was not timely filed, and by the time he filed it, the trial court had already dismissed the petition on July 25, 2024, for failure to timely file his brief. *See* M.R. Civ. P. 80C(g), (h). Gladu contends that his brief was timely filed under the prisoner mailbox rule and that the court erred when it dismissed his 80C petition and denied his motion to enlarge time to re-file his 80C brief.¹

¹ We note that Gladu's motion for enlargement of time also was not timely as it was not filed with the trial court until after the deadline for the submission of his 80C brief. *See* M.R. Civ. P. 6(b), which provides in pertinent part,

When by these rules . . . or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) . . .

Gladu's notice of appeal from the denial of his 80C petition was untimely because it was due no later than twenty-one days after the entry of the order dismissing his 80C petition, meaning that it had to be filed by August 15, 2024. *See* M.R. App. P. 2B(c)(1). Gladu did not file his notice of appeal until September 6, 2024, which is clearly untimely. "[T]he time requirements for taking an appeal are jurisdictional." *State v. Belony*, 2025 ME 26, ¶ 5, 334 A.3d 633. We therefore "must strictly comply with the prescribed time limits for appeals and dismiss any appeal that is determined to be untimely."² *Id.* (citations omitted). For these reasons, Gladu's appeal must be dismissed because it was untimely filed, and we lack jurisdiction to consider it.³

The entry is:

Appeal dismissed.

Nicholas A. Gladu, appellant pro se

Aaron M. Frey, Attorney General, and Alexander Beals, Asst. Atty. Gen., Office of the Attorney General, Augusta, for the Department of Corrections

Kennebec County Superior Court docket number AP-2024-22
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order the period enlarged if request therefor is made before the expiration of the period originally prescribed

(Emphasis added.)

² Despite our September 23, 2024, order enlarging time for this appeal, the appellate rules do not allow the suspension of filing time limits, even for good cause. M.R. App. P. 14(c); *see State v. Belony*, 2025 ME 26, ¶ 4, 334 A.3d 633.

³ We do not address Gladu's argument regarding the prisoner mailbox rule because we do not have jurisdiction over this matter.