

# United States Court of Appeals For the First Circuit

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No. 23-1062

LUIS ANGEL RODRIGUEZ,

Plaintiff - Appellee,

v.

SHAUN O. HARRISON, individually and in his official capacity,

Defendant - Appellant,

BOSTON PUBLIC SCHOOLS,

Defendant.

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Before

Barron, Chief Judge,  
Gelpí and Rikelman, Circuit Judges.

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## JUDGMENT

Entered: October 15, 2024

Defendant-Appellant Shaun O. Harrison filed a notice of appeal following the district court's denial of his post-judgment motion for appointment of counsel. Plaintiff-Appellee Luis Angel Rodriguez has moved for summary disposition of this appeal.

Insofar as Harrison means to challenge the district court's default judgment against him or any pre-judgment order entered by the district court, we lack jurisdiction over such a challenge. A party in a civil case generally must file a notice of appeal "within 30 days after entry of the judgment or order appealed from," Fed. R. App. P. 4(a)(1)(A), and compliance with this deadline is a jurisdictional requirement, *see Bowles v. Russell*, 551 U.S. 205, 214 (2007). The district court entered final judgment on August 5, 2022, almost five months before Harrison mailed the operative notice of appeal to the district court no earlier than December 29, 2022.

As for the district court's post-judgment order denying Harrison's motion for appointment of counsel, we reject Rodriguez's arguments that this issue is moot and that this appeal is entirely

duplicative of Rodriguez v. Boston Public Schools, et al., No. 22-1622 (1st Cir. Aug. 16, 2022). We also assume without deciding that the district court's order is final and appealable under 28 U.S.C. § 1291. See Caribbean Mgmt. Grp. v. Erikon LLC, 966 F.3d 35, 41 (1st Cir. 2020) (recognizing that we may bypass questions of statutory jurisdiction under certain circumstances). Harrison has waived any challenge to the district court's order by failing to advance developed argumentation on the matter in his opening brief. See Sparkle Hill, Inc. v. Interstate Mat Corp., 788 F.3d 25, 29 (1st Cir. 2015). In any event, the district court did not abuse its discretion in denying Harrison's motion for appointment of counsel. See DesRosiers v. Moran, 949 F.2d 15, 23-24 (1st Cir. 1991) (describing the standard for appointment of counsel in a civil case and reviewing the district court's denial of such a motion for abuse of discretion). At minimum, Harrison offered no factual or legal basis to suggest that he had a plausible argument for extricating himself from the default judgment entered against him, nor did he show that any such argument was sufficiently complex that it would warrant appointment of counsel.

Accordingly, Rodriguez's motion for summary disposition is granted, the district court's order denying Harrison's motion for appointment of counsel is affirmed, and Harrison's appeal is otherwise dismissed for lack of jurisdiction. See 1st Cir. R. 27.0(c).

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Simon B. Mann

John Titus Martin

Michaela M. Weaver

Thomas George Wood

Shaun O. Harrison

Edward F. Whitesell Jr.

Nicole Marie O'Connor