

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 10, 2015

Lyle W. Cayce
Clerk

No. 14-51045

Summary Calendar

ARTURO HERNANDEZ,

Petitioner-Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:14-CV-504

Before CLEMENT, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Arturo Hernandez, Texas prisoner # 1040662, seeks a certificate of appealability (COA) to appeal the time-bar dismissal of his 28 U.S.C. § 2254 application, which challenged his conviction of aggravated robbery.

“This Court must examine the basis of its jurisdiction, on its own motion, if necessary.” *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir.1987). A timely

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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notice of appeal is a jurisdictional requirement in a civil case. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Hernandez had 30 days, or until September 3, 2014, to file a timely notice of appeal. *See* FED. R. APP. P. 4(a)(1)(A). He did not file a notice of appeal until after the appeal period expired. He also does not certify that he placed his notice of appeal in the prison mail system “on or before the last day for filing.” *See* FED. R. APP. P. 25(a)(2)(C). Indeed, his COA itself is dated after the 30-day deadline. Because Hernandez did not file a timely notice of appeal, this appeal is dismissed for lack of jurisdiction. *See Bowles*, 551 U.S. at 214.

COA DENIED; APPEAL DISMISSED.