

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-21065
Conference Calendar

IROW FONTENOT,

Plaintiff-Appellant,

versus

MARK BOYLE,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-92-CV-148
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

If necessary, this Court must examine the basis of its jurisdiction on its own motion. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). Rule 4(a)(1), Fed. R. App. P., requires that the notice of appeal in a civil action be filed within 30 days of entry of the judgment or order from which an appeal is taken. In this prisoner civil rights action, the final judgment was entered on July 27, 1995. Fontenot's (#619588) notice of

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

appeal was filed no earlier than on December 7, 1995. See Fed. R. App. P. 4(c). Because Fontenot's notice of appeal was filed more than thirty days after entry of the judgement, this court is without jurisdiction and the appeal must be dismissed. Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1985).

APPEAL DISMISSED.