

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20468  
Conference Calendar

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LEWIS BROWN HODGE,

Plaintiff-Appellant,

versus

HENRY KEENE; WAYNE  
SCOTT, Director,  
Texas Dep't of Criminal  
Justice, Institutional  
Division,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-H-95-4998  
- - - - -

August 22, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

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). 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 appeal is taken.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

The district court entered final judgment on April 5, 1996. Therefore, the final day for filing a timely notice of appeal was Monday May 6, 1996, because the thirtieth day was a Sunday. See Fed. R. App. P. 26(a). Hodge's notice of appeal was dated May 8, 1996, and was not filed into the court record until May 13, 1996. Thus, it was filed after the prescribed appeal period. The time limitation for filing a notice of appeal is jurisdictional, and the lack of a timely notice mandates dismissal of the appeal. Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1985).

Hodge's motion for relief from further confinement is DENIED.

APPEAL DISMISSED.