

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10356  
Summary Calendar

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DAVID LOPEZ,

Plaintiff-Appellant,

versus

TEXAS DEP'T OF CRIMINAL JUSTICE, ET AL.,

Defendants,

E.L. WHEELER, Major; JAIME QUINTANILLA, Captain,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:96-CV-242  
- - - - -

September 24, 1997

Before JOLLY, BENAVIDES and PARKER, Circuit Judges.

PER CURIAM:\*

This court must examine the basis of its own jurisdiction on its own motion, if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). Because the document which has been construed as a notice of appeal in this case, district court docket number 40, was not filed within 30 days of entry of the order appealed from, this court is without jurisdiction and the appeal is DISMISSED. Fed. R. App. P. 4(a)(1).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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