

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10636  
Conference Calendar

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JAMES ERIC LOFTON,

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL JUSTICE ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:97-CV-93-C  
- - - - -

December 10, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

James Eric Lofton, Texas prisoner # 616132, appeals the judgment of the district court in a civil rights action against the Texas Department of Criminal Justice and several of its employees. "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). The time limitation for filing a notice of appeal is jurisdictional, and the lack of a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

timely notice mandates dismissal of the appeal. Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1985).

Lofton's notice of appeal from the district court's May 5, 1997, judgment was filed in the district court on June 11, 1997. There is no support for Lofton's contention that he filed his notice of appeal in this court on May 12, 1997. Accordingly, the appeal is DISMISSED for lack of jurisdiction. The motion for appointment of counsel is DENIED as unnecessary.

APPEAL DISMISSED.