

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10704
Summary Calendar

JAMES ERIC LOFTON,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;
RONNIE CANNON, GARMENT FACTORY, IND-SUPERVISOR;
JAIME QUINTANILLA; TERRY H. WORDEN; SAMMY G.
GOMEZ; ERIC HAMILTON; DARREN D. PORTER; MARIANNE
MUNSELLE; JOHN DOE, DEPUTY DIRECTOR,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:96-CV-253-BA

March 6, 1998

Before WIENER, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

James Eric Lofton, Texas prisoner #616132, appeals the dismissal of his 42 U.S.C. § 1983 action. FED. R. APP. P. 4(a)(1) requires that a notice of appeal be filed within 30 days of the entry of final judgment in a civil action. Of course, a timely notice of appeal is a prerequisite to the exercise of jurisdiction

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

by this court. See, e.g., *United States v. Carr*, 979 F.2d 51, 55 (5th Cir. 1992); *United States v. Merrifield*, 764 F.2d 436, 437 (5th Cir. 1985). Final judgment was entered in this action on 29 April 1997. Lofton's notice of appeal was not filed until 23 June 1997. Consequently, because, as conceded by Lofton, his notice of appeal was not timely, Lofton's appeal is **DISMISSED** for lack of jurisdiction.

Lofton has filed the following motions: for appointment of counsel, to expedite the appeal, to file supplemental briefs, to hold a disciplinary hearing, to obtain the name of the appellees' attorney, and a motion to expedite a ruling on his motions. In the light of our dismissal of his appeal, Lofton's motions are **DENIED**.

APPEAL DISMISSED; MOTIONS DENIED.