

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60713
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD KUEBLER,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:98-CR-132-B

April 13, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Richard Kuebler seeks to appeal his conviction resulting from being ticketed by a United States Park Service ranger for going 63 miles per hour in a 50 miles per hour zone of the Natchez Trace Parkway. This court must examine the basis of its jurisdiction. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). A timely notice of appeal is necessary to the exercise of appellate jurisdiction. United States v. Cooper, 135 F.3d 960, 961 (5th Cir. 1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court entered judgment on September 9, 1999, and Kuebler's notice of appeal was not filed until September 27, 1999, more than 10 days after the entry of judgment. Fed. R. App. P. 4(b)(1)(A)(i) and 26(a). Kuebler asserts that he perfected his appeal on September 22, 1999, the date on which the notice of appeal was mailed. Because Kuebler was not incarcerated, the "mailbox rule" does not apply and his notice of appeal was not timely because it was not received by the Clerk within ten days of entry of judgment. See United States v. Clark, 193 F.3d 845, 846 n.3 (5th Cir. 1999). Kuebler's appeal is dismissed for lack of jurisdiction.

APPEAL DISMISSED FOR LACK OF JURISDICTION.