

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50898
Conference Calendar

DAVID ERIC POPE,

Plaintiff-Appellant,

versus

KATHY HOLUBER, Nurse;
OFFICER LOTT;
SHIFT SUPERVISOR GONZALAES,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-97-CV-229-SS
- - - - -

February 10, 1999

Before BARKSDALE and EMILIO M. GARZA, 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). A timely notice of appeal is a prerequisite for the exercise of jurisdiction by this court. United States v. Carr, 979 F.2d 51, 55 (5th Cir. 1992).

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

David Eric Pope did not file a notice of appeal from the district court's judgment entered on September 4, 1997, within the 30 days prescribed by Federal Rule of Appellate Procedure 4(a) (1997) or within the time granted by the district court. Pope's motions for extension of time to appeal, in which he sought time to research and decide whether he had appealable issues, do not clearly evince his desire to appeal and do not serve as a notice of appeal. See Mosley, 813 F.2d at 660. Accordingly, we dismiss the appeal for lack of jurisdiction, as Pope did not timely notice his intent to appeal. See Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1985).

APPEAL DISMISSED.