

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-40791
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 21, 2016

Lyle W. Cayce
Clerk

RANDOLPH BOWDEN,

Plaintiff-Appellant

v.

STEPHEN SIMS; RAYMOND HENDRIX; DANIEL BATT; GRACELIA RAMOS; LINDA RICHEY; ROBERT EASON; CALVIN WHEAT; FNU MANNING, Captain; FNU RAYFORD, Major; FNU RODENBECK, Captain,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:13-CV-891

Before DAVIS, JONES, and GRAVES, Circuit Judges.

PER CURIAM:*

Randolph Bowden, Texas prisoner # 1827604, filed a notice of appeal in this civil action following the district court's denial of his motion for injunctive relief and the judgment dismissing the case without prejudice for failure to prosecute and failure to obey an order. This court must examine the basis of its own jurisdiction, sua sponte, if necessary. *See Mosley v. Cozby*, 813 F.2d

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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659, 660 (5th Cir. 1987). A timely notice of appeal is a jurisdictional requirement in a civil case. *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

Bowden's notice of appeal was not timely. It was not filed within 30 days of the district court's order denying injunctive relief or the judgment dismissing the case. *See* 28 U.S.C. § 2107(a); FED. R. APP. P. 4(a)(1). Even if Bowden's post-judgment motion for time to file objections were considered a motion under Federal Rule of Appellate Procedure 4(a)(4)(A) that served to suspend the start of the period for filing a notice of appeal, the district court's order denying the motion was entered more than 30 days before the date of Bowden's notice of appeal. In light of the untimeliness of Bowden's notice of appeal, we lack jurisdiction over this appeal.

APPEAL DISMISSED.