IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 15-50878

United States Court of Appeals
Fifth Circuit

FILED

March 17, 2017

Lyle W. Cayce
Clerk

JERRY CASTILLO, JR.,

Plaintiff-Appellant

v.

DAVID MUNOZ, Police Officer, Badge # 1440 – San Antonio Police Department; NICK UNDERCOVER OFFICER, Detective – San Antonio Police Department – Last Name Unknown; SAN ANTONIO POLICE DEPARTMENT,

Defendants-Appellees

Appeals from the United States District Court
for the Western District of Texas
USDC No. 5:13-CV-1181

Before JOLLY, DAVIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:[*]

Jerry Castillo, Jr., Texas prisoner # 2074055, has filed a motion for leave to proceed in forma pauperis (IFP) to appeal the district court's denial of his motion for relief from judgment under Federal Rule of Civil Procedure 60(b). He has also filed motions for the appointment of counsel and production of certain documents.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-50878

"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 jurisdictional requirement in a civil case. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Castillo had 30 days, or until April 8, 2015, to file a timely notice of appeal. *See* FED. R. APP. P. 4(a)(1)(A). He did not file a notice of appeal until well after this appeal period expired. The untimely notice of appeal could not be construed as a motion for an extension of time. *See* FED. R. APP. P. 4(a)(5)(A); *Henry v. Estelle*, 688 F.2d 407, 407 (5th Cir. 1982). Castillo's subsequent motion for leave to proceed IFP and the denial thereof do not affect the untimeliness of this appeal. *See Briggs v. Lucas*, 678 F.2d 612, 613 (5th Cir. 1982).

Accordingly, the appeal is DISMISSED for lack of jurisdiction, and Castillo's motions are DENIED AS MOOT.