

June 28, 2007

Charles R. Fulbruge III
Clerk

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

No. 06-10993
Summary Calendar

KAMRAN ALGILANI

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF INSURANCE DIVISION OF WORKERS
COMPENSATION; ALBERT BETTS, Executive Director of Texas
Department of Insurance, Division of Workers' Compensation;
WILLIAM C NEMETH MD, Medical Quality Review Panel Director

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(No. 3:04-CV-848)

Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Prior to the filing of appellate briefs, this court instructed the parties to brief the issue of the timeliness of the plaintiff's notice of appeal filed on September 12, 2006. In the reply brief, Algilani concedes that the notice of appeal was not timely filed and that this jurisdictional issue is dispositive.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rule 4 of the Federal Rules of Appellate Procedure requires that, in the absence of special circumstances not relevant here, the notice of appeal “must be filed with the district clerk within 30 days after the judgment or order appealed from is entered.” FED. R. APP. P. 4(a)(1)(A). “A timely filed notice of appeal is an absolute prerequisite to this court’s jurisdiction.” *Moody Nat’l Bank of Galveston v. GE Life & Annuity Assurance Co.*, 383 F.3d 249, 250 (5th Cir. 2004).

Algilani’s appeal is DISMISSED for lack of jurisdiction.