

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

United States Court of Appeals
Fifth Circuit

F I L E D

September 15, 2010

No. 09-20605
Summary Calendar

Lyle W. Cayce
Clerk

SAMUEL ROY JACKSON,

Petitioner - Appellant

v.

RICK THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:08-CV-443

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Samuel Roy Jackson, Texas prisoner # 1268721, appeals from the dismissal of his 28 U.S.C. § 2254 application challenging his conviction for aggravated robbery. The appeal was untimely, and we DISMISS.

A timely notice of appeal in a civil case is mandatory and jurisdictional and must be filed within 30 days of the entry of the judgment or order from which the appeal is taken. *Bailey v. Cain*, 609 F.3d 763, 765 (5th Cir. 2010);

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

FED. R. APP. P. 4(a)(1)(A). A district court may extend the time to file a notice of appeal if the party moves for such an extension within 30 days of the expiration of the time to appeal. FED. R. APP. P. 4(a)(5). None of the documents that Jackson filed within this time frame clearly evince an intent to appeal. *See Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Because Jackson failed to file a timely notice of appeal from the district court's dismissal of his Section 2254 application, we lack jurisdiction to consider the instant appeal, and it is therefore DISMISSED. *See Bailey*, 609 F.3d at 767.

Jackson's motion for leave to supplement his brief on appeal is DENIED.