

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-10892

United States Court of Appeals
Fifth Circuit

FILED

May 23, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHN REGINALD HOLT,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CV-135

Before CLEMENT, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

John Reginald Holt, federal prisoner # 39118-177, seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2255 motion challenging his jury trial conviction for conspiracy to possess with intent to distribute more than 500 grams of methamphetamine.

"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). "[T]he timely

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court reviews de novo questions of law regarding jurisdiction. *Ramirez-Molina v. Ziglar*, 436 F.3d 508, 513 (5th Cir. 2006). The final judgment was entered on May 29, 2014; therefore the final day for filing a timely notice of appeal was July 28, 2014. See FED. R. APP. P. 4(a)(1)(B)(i). Even assuming that Holt’s sworn declaration that he placed the notice of appeal into the prison’s general mail system on July 23, 2014, is true, the record reflects that Holt failed to comply with the statutory authority and prison regulations in failing to use the prison’s legal mail system. FED. R. APP. P. 4(c)(1); *Dison v. Whitely*, 20 F.3d 185, 187 (5th Cir. 1994). Therefore, Holt has not shown that he is entitled to the benefit of the mailbox rule. See *Medley v. Thaler*, 660 F.3d 833, 838 (5th Cir. 2011). Because Holt did not file a timely notice of appeal, his appeal is dismissed for lack of jurisdiction. See *Bowles*, 551 U.S. at 214.

COA DENIED; APPEAL DISMISSED.