

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

No. 15-41094

United States Court of Appeals
Fifth Circuit

FILED

September 30, 2016

Lyle W. Cayce
Clerk

J. L. COX,

Plaintiff-Appellant

v.

LORIE DAVIS; CLINT MORRIS,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:13-CV-151

Before JOLLY, DAVIS and SOUTHWICK, Circuit Judges.

PER CURIAM:*

J. L. Cox, Texas prisoner # 732619, moves this court for authorization to proceed in forma pauperis (IFP) on appeal from the district court's order granting summary judgment to the defendants and dismissing his civil rights suit. 42 U.S.C. § 1983. By moving to proceed IFP in this court, Cox challenges the district court's certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Cox filed his appeal more than 100 days after the district court entered judgment in favor of the defendants and dismissing the matter. *See* FED. R. APP. P. 4(a)(1) (setting a 30-day period for noticing an appeal). Prior to that time, Cox did not seek to enlarge the time to appeal, and he does not contend that he did not receive notice of the district court's judgment. *See* FED. R. APP. P. 4(a)(5)(A), (a)(6). Because this court lacks jurisdiction over the untimely appeal, *see* FED. R. APP. P. 4(a); *In re Deepwater Horizon*, 785 F.3d 1003, 1009 (5th Cir. 2015), the appeal does not involve legal points arguable on their merits and Cox's motion to proceed IFP on appeal is therefore DENIED. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). His untimely appeal is DISMISSED FOR LACK OF JURISDICTION. *See* FED. R. APP. P. 4(a)(1); *Deepwater Horizon*, 785 F.3d at 1009.