

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

No. 16-20165
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 6, 2017

Lyle W. Cayce
Clerk

STEVE ALAN MORGAN,

Plaintiff-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION; TROY D.
SIMPSON; KOKLIA NAIK,

Defendants-Appellees

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-2833

Before REAVLEY, PRADO, and GRAVES, Circuit Judges.

PER CURIAM:*

Steve Alan Morgan, Texas prisoner # 1222355, has given notice of his appeals from the district court's interlocutory orders in his civil rights action denying his motions for a preliminary injunction and a temporary restraining order, for leave to amend the complaint (two motions), and for appointment of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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counsel (two motions), for summary judgment, for leave to expand the record, and for a physical examination.

“[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007). In a civil matter, a notice of appeal must be filed within 30 days of entry of the judgment or order being appealed. FED. R. APP. P. 4(a)(1)(A). Morgan’s notices of appeal were not filed within that period. *See id.* Although Morgan’s second notice of appeal was filed within the 30-day period to request an extension of time based on excusable neglect or good cause, *see* FED. R. APP. P. 4(a)(5), we have not deemed it as such a request because Morgan did provide any explanation in that document for his untimely filing.

Since the filing of the notices of appeal in this case, the district court has entered final judgment dismissing the complaint. Although an application for leave to proceed in forma pauperis was submitted by Morgan within 30 days of entry of the judgment, that document did not clearly notify the court or opposing counsel of the taking of an appeal from that decision under the circumstances of this case. *See Fisher v. U.S. Dept. of Justice*, 759 F.2d 461, 464 n.2 (5th Cir. 1985); *see also* FED. R. APP. P. 3(c)(1)(B).

The appeal is DISMISSED. *See Bowles*, 551 U.S. at 213-14. Morgan’s motions for leave to file a supplemental reply brief; for suspension of the rules; to substitute S. Abron for appellee Naik; and for an appeal conference are DENIED.