

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

No. 18-10872

United States Court of Appeals
Fifth Circuit

FILED

May 20, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TAMMY SUE JANICEK, also known as “Southside Tammy,”

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:17-CV-1012

Before OWEN, WILLETT, and OLDHAM, Circuit Judges.

PER CURIAM:*

Tammy Sue Janicek, federal prisoner # 54253-177, moves this court for transcripts at the Government’s expense. She also moves for the appointment of counsel on appeal.

“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 filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Janicek’s notice of appeal was filed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 18-10872

outside of the 60-day window for filing a timely notice of appeal from the district court's April 18, 2018, judgment denying her 28 U.S.C. § 2255 motion. Additionally, the district court denied her request for an extension of time to file a notice of appeal, determining that she failed to demonstrate the requisite excusable neglect or good cause. *See* FED. R. APP. P. 4(a)(1)(B), (a)(5)(A)(i).

Because Janicek's notice of appeal was untimely and because the district court denied her request for an extension of time, we lack jurisdiction in this case. *Bowles*, 551 U.S. at 214. The appeal is therefore DISMISSED for lack of jurisdiction. The motions for transcripts at Government expense and for the appointment of counsel are DENIED as moot.