

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

United States Court of Appeals
Fifth Circuit

FILED

April 25, 2019

Lyle W. Cayce
Clerk

No. 18-20552
Summary Calendar

CHARLES E. LUSK,

Plaintiff-Appellant

v.

CARLISIETTA R. WARNER, Sergeant, O.B. Ellis I Unit; ALICIA SCOTT,
Property Officer, O.B. Ellis I Unit,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:18-CV-831

Before HIGGINBOTHAM, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

Charles E. Lusk, Texas prisoner # 1964427, has appealed the dismissal of his civil rights complaint. 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). A timely notice of appeal in a civil case is a jurisdictional prerequisite when, as here, the time limit is set by statute. *See Hamer v.*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Neighborhood Hous. Servs. of Chicago, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007); 28 U.S.C. § 2107(a).

Lusk had to file a notice of appeal within 30 days of entry of the judgment on May 8, 2018. *See* § 2107(a); FED. R. APP. P. 4(a)(1)(A). Because Lusk filed his notice of appeal no earlier than August 2, 2018, his appeal is untimely, and this court lacks jurisdiction. *See Hamer*, 138 S. Ct. at 17. The appeal is DISMISSED.