

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 17, 2021

No. 21-50044
Summary Calendar

Lyle W. Cayce
Clerk

KEVIN DEBNAM,

Plaintiff—Appellant,

versus

JAVIER SALAZAR, *SHERIFF, BEXAR COUNTY*; SAN ANTONIO
POLICE OFFICER D. ELLIOTT, (BADGE #969),

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:19-CV-1100

Before STEWART, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:*

Kevin Debnam, Texas prisoner # 1074319, moves for leave to proceed in forma pauperis (IFP) on appeal from the district court's dismissal of his 42 U.S.C. § 1983 lawsuit. This court must examine the basis of its own

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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jurisdiction, sua sponte, if necessary. *Trent v. Wade*, 776 F.3d 368, 387 (5th Cir. 2015). “[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). A notice of appeal in a civil case must be filed within 30 days of the entry of the judgment or order being appealed. FED. R. APP. P. 4(a)(1)(A).

Here, final judgment was entered on May 26, 2020. Debnam did not file his notice of appeal until January 22, 2021, several months too late. Although he asserted that his lawsuit had been “dismissed without his knowing,” his untimely notice of appeal cannot be treated as a request for an extension of time based on excusable neglect or good cause under Rule 4(a)(5) as such motions must be filed within 30 days of the entry of judgment. *See* FED. R. APP. P. 4(a)(5). Debnam similarly has not demonstrated that he could meet the requirements for reopening the time for filing an appeal under Rule 4(a)(6) such that his untimely notice of appeal should be construed as such a request. *See* FED. R. APP. P. 4(a)(6).

Accordingly, Debnam’s appeal is DISMISSED for lack of jurisdiction. His motion for leave to proceed IFP on appeal is DENIED.