

08 cv 0125

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

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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\_\_\_\_\_

No. 08-31126

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U.S. COURT OF APPEALS

**FILED**

JAN 8 2009

CHARLES R. FULBRUGE III  
CLERK

BONNIE THOMPSON

Plaintiff-Appellant

v.

GATEHOUSE MEDIA LOUISIANA HOLDINGS INC; NEWSLEADER INC,  
doing business as Beauregard Daily

Defendants-Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:08-CV-125  
\_\_\_\_\_

Before HIGGINBOTHAM, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (1987) (per curiam). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1), the notice of appeal in a civil case must be filed within thirty days of entry of judgment. In this civil action alleging personal injury, the district court entered final judgment dismissing the complaint on October 6, 2008. Therefore, the final day for filing a timely notice of appeal was November 5, 2008. The plaintiff's notice of appeal was filed on November 10, 2008, and although the notice of appeal states that the judgment was entered on October 30, 2008, the district court

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docket sheet indicates it was entered October 6. The plaintiff offers no justification for this discrepancy. The time limitation for filing a notice of appeal in a civil case is jurisdictional. *Bowles v. Russell*, 127 S. Ct. 2360, 2366 (2007). The lack of a timely notice mandates dismissal of the appeal. *Robbins v. Maggio*, 750 F.2d 405, 408 (5th Cir. 1985). ◦

APPEAL DISMISSED.

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*[Handwritten signature]*

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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JAN 15 2009

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DEPUTY  
SHREVEPORT

CHARLES R. FULBRUGE III  
CLERK

**United States Court of Appeals**  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

January 8, 2009

Mr Robert H Shemwell, Clerk  
Western District of Louisiana, Shreveport  
United States District Court  
Suite 1167  
300 Fannin Street  
Shreveport, LA 71101

No. 08-31126 Thompson v. Gatehouse Media LA  
USDC No. 2:08-CV-125

Enclosed is a certified copy of the judgment issued as the  
mandate.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By:

*Misty Fontenot*  
Misty Fontenot, Deputy Clerk  
504-310-7716

cc: w/encl:  
Mr Randall Scott Iles  
Mr William Harry Eckert  
Ms Kelly Elizabeth Heinen

MDT-1