

May 30, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-30432  
Summary Calendar

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GEORGE ROLAND, JR.,

Petitioner-Appellant,

versus

BURL CAIN, WARDEN,  
LOUISIANA STATE PENITENTIARY,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:90-CV-2502  
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Before JOLLY, DAVIS and OWEN, Circuit Judges.

PER CURIAM:\*

George Roland, Jr., Louisiana prisoner # 121494, appeals from the district court's denial of his "Motion and Order to Proceed with Petitioner's Jury Demand Pursuant to FRCVP Rule 38 in Petitioner's 42 U.S.C.A. § 1983 action." Roland contends that he is entitled to proceed with the § 1983 action he filed with his 28 U.S.C. § 2254 petition in November 1990.

The record does not reflect that Roland filed a § 1983 action with his § 2254 petition in November 1990. The motion he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeals, which was filed 12 years after his first habeas proceeding concluded, is an unauthorized motion. See United States v. Early, 27 F.3d 140, 142 (5th Cir. 1994). Accordingly, his appeal is dismissed for lack of jurisdiction. See id.

APPEAL DISMISSED; REQUEST FOR A "CERTIFICATE OF PROBABLE CAUSE" DENIED AS UNNECESSARY.