

November 20, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-60142  
Summary Calendar

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JAMES PAYNE; ET AL,

Plaintiff,

JAMES PAYNE,

Plaintiff-Appellant,

versus

FIRST NATIONAL BANK OF CLARKSDALE, ET AL,

Defendants,

FIRST NATIONAL BANK OF CLARKSDALE;  
GULF GUARANTY LIFE INSURANCE CO.; and  
JOE ALDERSON,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
(No. 2:03-CV-369)

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Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:<sup>\*</sup>

The district court issued a final judgment in this case on December 20, 2005, which was modified on December 21, 2005. On January 23, 2006, the appellant, James Payne, filed his notice of appeal in the district court.

Rule 4 of the Federal Rules of Appellate Procedure requires that, in the absence of special circumstances not relevant here, the notice of appeal “must be filed with the district clerk within 30 days after the judgment or order appealed from is entered.” FED. R. APP. P. 4(a)(1)(A). “[A] timely filed notice of appeal is an absolute prerequisite to this court’s jurisdiction.” *Moody Nat’l Bank of Galveston v. GE Life and Annuity Assurance Co.*, 383 F.3d 249, 250 (5th Cir. 2004). Because Payne failed to file his notice of appeal within 30 days of the final judgment, this court lacks jurisdiction over his appeal. Payne’s appeal is DISMISSED for lack of jurisdiction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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