

October 5, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60968
Summary Calendar

GREGORY PAUL CARR,

Plaintiff-Appellant,

versus

FRANK CARLTON, Etc., ET AL,

Defendants,

LARRY MILLER, Sergeant, in his individual
and official capacities; SHAWN RODRIGUEZ,
in his individual and official capacities;
WASHINGTON COUNTY MISSISSIPPI,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:02-CV-230

Before JOLLY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Gregory Paul Carr has filed an application for leave to proceed in forma pauperis (IFP) on appeal, following the denial of relief on his 42 U.S.C. § 1983 action. We must examine the basis of our jurisdiction sua sponte if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). A timely notice of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeal is necessary for this court to exercise jurisdiction. Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1987). The magistrate judge, proceeding with the consent of the parties, entered final judgment in the instant case on September 14, 2004. Carr admits that he did not mail his notice of appeal until October 19, 2004. Carr's notice of appeal was therefore not filed within the 30 days for filing an appeal in a civil case. See FED. R. APP. P. 4(a)(1)(A). This court is thus without jurisdiction to consider Carr's case. Accordingly, the appeal is DISMISSED for lack of jurisdiction. Carr's motion for leave to proceed IFP on appeal is DENIED.