

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-60645  
Summary Calendar

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EDWARD DANIEL,

Plaintiff-Appellant,

versus

JIMMY PARKER, Warden at Parchman;  
JAMES ANDERSON; WALTER BOOKER; ANN LEE;  
"UNKNOWN" ADAMS, Unit 32-C Case Worker;  
F. BROGG, Unit 32-C Case Worker; CHARLES  
HAMPTON, Classification Director; GRAY  
EVANS; R. SCOTT; W. RILEY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:99-CV-170-P-A  
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March 3, 2000

Before JONES, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Edward Daniel, Mississippi state prisoner # 42550, seeks to appeal the dismissal of his civil rights complaint, which was dismissed as barred by the doctrine of res judicata. This court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). Daniel's post-judgment motion filed September 14, 1999, primarily sought reconsideration of the district court's dismissal of his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

civil rights complaint and, therefore, did not clearly evince an intent to appeal. See id. Thus, it is insufficient to invoke this court's jurisdiction. See id. A timely notice of appeal is a prerequisite to the exercise of jurisdiction by this court. United States v. Carr, 979 F.2d 51, 55 (5th Cir. 1992). Daniel has not filed a timely notice of appeal from the district court's judgment dismissing his civil rights complaint. We therefore cannot exercise jurisdiction over the appeal.

DISMISSED.