

November 22, 2005

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

05-30328

Summary Calendar

REV. BERNADINE TURNER,

Plaintiff-Appellant,

v.

ANADARKO PETROLEUM CORPORATION, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
Civil Action No. 3:04-CV-1082

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

The district court dismissed the Appellant's claims on January 6, 2005. The clerk of court received the Appellant's notice of appeal and entered it into the record March 23, 2005. Rule 4 of the Federal Rules of Appellate Procedure requires parties in civil litigation to file a notice of appeal within thirty days of the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

judgment or order being challenged. FED. R. APP. P. 4(a)(1)(4), 28 U.S.C. § 2107(a) (2000). The Appellant failed to meet this requirement. This Court directed the parties to address the timeliness of the notice of appeal in their briefs. The Appellant failed to do so.

This Court cannot hear the merits of an untimely appeal because it lacks jurisdiction. *See Torres v. Oakland Scavenger Co.*, 487 U.S. 312, 315 (1988). Therefore, the appeal is dismissed.

DISMISSED.