

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20478

JESSIE LEE HAWKINS,

Plaintiff-Appellant,

versus

TAD C. FRANTZEN; WARDEN HOLLIDAY UNIT; JOHN P. WENER; GREGORY
S. VEGA; JOHN M. GOODING; JAMES JONES,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CV-4094

August 9, 2001

Before JOLLY, DAVIS, and SMITH, Circuit Judges.

PER CURIAM:*

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). An untimely notice of appeal mandates a dismissal for lack of jurisdiction. Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1985). Jessie Lee Hawkins, Texas prisoner # 297858, filed his notice of appeal more than 30 days after the entry of the final judgment. See Fed. R. App. P. 4(a)(1)(A). The motion for an extension of time to file objections to the judgment was not an allowable motion, was not a motion tolling the period 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

time for filing a notice of appeal, and was not a motion for an extension of time to file a notice of appeal. See Fed. R. App. P. 4(a)(4) and 4(a)(5); see also Fed. R. Civ. P. 6(b). The notice of appeal was thus untimely, and this APPEAL IS DISMISSED.