

September 20, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-30385
Summary Calendar

ERIC LARA, SR.,

Plaintiff-Appellant,

versus

RICHARD L. STADLER; WASHINGTON CORRECTIONAL
INSTITUTE; C. PAUL PHELPS CORRECTIONAL CENTER;
ALLEN CORRECTIONAL CENTER; WACKENHUT CORPORATION,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 03-CV-308

Before EMILIO GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Eric Lara, Sr., Louisiana prisoner # 353026, requests leave to proceed in forma pauperis (IFP) on appeal so that he may challenge the district court's dismissal of his 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief can be granted. 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). A timely notice of appeal is a prerequisite

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to the exercise of jurisdiction by this court. Dison v. Whitley, 20 F.3d 185, 186 (5th Cir. 1994). Because Lara did not file his notice of appeal within 30 days of the entry of judgment in the instant case, this court lacks jurisdiction over the appeal.

Id.; FED. R. APP. P. 4(a)(1)(A).

Consequently, Lara's appeal is DISMISSED for lack of jurisdiction. Lara's motion for leave to proceed IFP on appeal is DENIED AS UNNECESSARY.