

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 13-60343  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 9, 2014

Lyle W. Cayce  
Clerk

NAKIA RESHEA SUTTON,

Plaintiff-Appellant

v.

DALE CASKEY; SANDRA ATWOOD; UNKNOWN CARMICHAEL; BART  
GRIMES,

Defendants-Appellees

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 4:10-CV-39

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Before REAVLEY, JONES, and PRADO, Circuit Judges.

PER CURIAM:\*

Nakia Reshea Sutton, Mississippi prisoner # R4655, appeals from the summary judgment dismissal of his 42 U.S.C. § 1983 civil rights complaint in which he alleged that the defendants exhibited deliberate indifference to his medical needs. He also moves for the appointment of counsel and to correct the record.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-60343

This court must examine the basis for its jurisdiction on its own motion. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). In a civil case, a timely notice of appeal is “mandatory and jurisdictional.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

Sutton’s notice of appeal, filed more than 30 days after the denial of his timely motion to alter and amend judgment under Federal Rule of Civil Procedure 59(e), is untimely. *See* FED. R. CIV. P. 4(a)(1)(A), (a)(4)(A). Thus, this court lacks jurisdiction over the instant appeal, and the appeal is DISMISSED. *See Bowles*, 551 U.S. at 214. Sutton’s motions for the appointment of counsel and to correct the record are DENIED.