

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

\_\_\_\_\_  
No. 14-10884  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

September 24, 2015

Lyle W. Cayce  
Clerk

TED RADCLIFFE,

Petitioner-Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 7:12-CV-172  
\_\_\_\_\_

Before HIGGINBOTHAM, SMITH, and OWEN, Circuit Judges.

PER CURIAM:\*

Ted Radcliffe, Texas prisoner # 707962, requests a certificate of appealability (COA) to appeal the district court's dismissal, as time-barred, of his 28 U.S.C. § 2254 petition, which he filed to challenge his disciplinary conviction for threatening to escape. Radcliffe has also filed a motion for judicial notice.

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 14-10884

“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). “[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Radcliffe’s motion for an extension of time to file a COA motion was not “the ‘functional equivalent’” of a notice of appeal. *See Bailey v. Cain*, 609 F.3d 763, 765-67 (5th Cir. 2010); FED. R. APP. P. 3(c)(1). Because Radcliffe did not file a timely notice of appeal, his appeal is dismissed for lack of jurisdiction. *See Bowles*, 551 U.S. at 214.

COA DENIED; APPEAL DISMISSED.