

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

No. 16-20800
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
October 20, 2017

Lyle W. Cayce
Clerk

RICHARD B. NICHOLS,

Plaintiff-Appellant

v.

RON HICKMAN, Sheriff,

Defendant-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:16-CV-192

Before HIGGINBOTHAM, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Richard B. Nichols, a former inmate at the Harris County, Texas, jail, appeals the dismissal of his 42 U.S.C. § 1983 complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). He requests appointment of counsel.

“[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). In a civil matter, a notice of appeal must be filed within 30 days of entry of the judgment or order

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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being appealed. FED. R. APP. P. 4(a)(1)(A). Nichols's notice of appeal was not filed within that period. *See id.* Although his notice of appeal was filed within the 30-day period to request an extension of time based on excusable neglect or good cause, *see* FED. R. APP. P. 4(a)(5)(A), we have not deemed it as such a request because Nichols did not provide any explanation for his untimely filing. *See Henry v. Estelle*, 688 F.2d 407, 407 (5th Cir. 1982).

Accordingly, the appeal is DISMISSED FOR LACK OF JURISDICTION. Nichols's request for appointment of counsel is DENIED AS MOOT.