

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

No. 17-10547
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 21, 2018

Lyle W. Cayce
Clerk

ODIS BANKS,

Plaintiff-Appellant

v.

LUPE VALDEZ, Dallas County Sheriff,

Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:15-CV-3340

Before DENNIS, SOUTHWICK and HIGGINSON, Circuit Judges.

PER CURIAM:*

Seeking to appeal the district court's dismissal of his 42 U.S.C. § 1983 action against Dallas County Sheriff Lupe Valdez, Odis Banks, Texas prisoner # 1717887, moves this court for leave to proceed in forma pauperis (IFP) and for the appointment of counsel. As a threshold matter, this court must determine whether it has jurisdiction to entertain Banks's appeal. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). "[T]he timely filing of a notice 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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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 being appealed. FED. R. APP. P. 4(a)(1)(A).

The district court entered its judgment dismissing Banks’s complaint on December 29, 2015. The notice of appeal giving rise to this appeal is dated May 5, 2017. As Banks’s notice of appeal is untimely, his IFP motion is DENIED, and the appeal is DISMISSED for lack of jurisdiction. *See* FED. R. APP. P. 4(a)(1)(A); *Bowles*, 551 U.S. at 214. Banks’s motion for appointment of counsel is also DENIED.