IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

_____

No. 92-3932
Summary Calendar
_____

DARRELL JACKSON,

                                        Plaintiff-Appellant,

versus

WARDEN BURL CAIN ET AL.,

                                        Defendants-Appellees.

- - - - - - - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. CA 86 197 B M1
- - - - - - - - - -
(February 3, 1994)

Before JOHNSON, GARWOOD, and WIENER, Circuit Judges.

PER CURIAM:*

    "This Court must examine the basis of its jurisdiction, on

its own motion if necessary." Hamilton v. Robertson, 854 F.2d

740, 741 (5th Cir. 1988). A timely notice of appeal is required

for this Court to exercise its jurisdiction. United States v.

Merrifield, 764 F.2d 436, 437 (5th Cir. 1985). Darrell Jackson

had thirty days from entry of judgment to file his notice of

appeal. See Fed. R. App. P. 4(a)(1).

_____

His notice of appeal is untimely as to the district court's order and judgment entered on August 31, 1992, but is timely as the district court's order and judgment entered on October 13, 1992.

> The mere fact that a court reenters a judgment or revises a judgment in an immaterial way does not affect the time within which litigants must pursue an appeal. Rather, the test is "whether the [district] court, in its second order, has disturbed or revised legal rights and obligations which, by its prior judgment, had been plainly and properly settled with finality."

Offshore Prod. Contractors, Inc. v. Republic Underwriters Ins. Co., 910 F.2d 224, 229 (5th Cir. 1990) (citation omitted).

The October 13, 1992, order and judgment did not alter and replace the August 31, 1992 order and judgment. Therefore, Jackson's notice of appeal is untimely, and we lack appellate jurisdiction.

DISMISSED.