

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20338
Conference Calendar

IBRAHIM MUSTAFA FARD,

Plaintiff-Appellant,

versus

JAMES COLLINS,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-93-2004
- - - - -
June 27, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The notice of appeal in a civil action must be filed within 30 days of entry of the judgment or order from which appeal is taken. Fed. R. App. P. 4(a)(1). The time limitation for filing a notice of appeal is jurisdictional, and the lack of a timely notice mandates dismissal of the appeal. Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1985). A party must file a timely notice of appeal even if he does not receive notice of the entry of the judgment. Latham v. Wells Fargo Bank, N.A., 987 F.2d 1199, 1201

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

(5th Cir. 1993) (interpreting Fed. R. Civ. P. 77(d) and Fed. R. App. P. 4(a)(6)). However, the district court may reopen the time to appeal if it finds that a party entitled to notice of the entry of judgment did not receive such notice within 21 days of its entry upon motion filed within 180 days of the entry of judgment or within 7 days of the receipt of such notice, whichever is earlier. Id. at 1202; Fed. R. App. P. 4(a)(6).

The judgment dismissing the case was entered on January 7, 1994. Therefore, the final day for filing a timely notice of appeal was February 7, 1994. Although Fard filed his motion to reopen time for appeal within 180 days of the January 7, 1994, judgment, he did not file it within seven days of his admitted notice of the court's action. Thus, Fard was not eligible for reopening under Rule 4(a)(6).

DISMISSED.