

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 94-41291  
Conference Calendar

---

DERRYL LEE BUCKINGHAM,

Plaintiff-Appellant,

versus

HARRY W. MCKEE, U.S. Magistrate,

Defendant-Appellee.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:94-CV-557  
- - - - -  
(March 23, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

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). Rule 4(a)(1), Fed. R. App. P., requires that the notice of appeal in a civil case be filed within 30 days of entry of the judgment. In this prisoner civil rights case, the district court entered final judgment on July 21, 1994. Therefore, the final day for filing a timely notice of appeal was August 20, 1994. See Fed. R. App. P. 26(a). Derryl Lee

---

\* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Buckingham's pro se notice of appeal is stamped as filed on December 1, 1994. 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).

IFP DENIED. APPEAL DISMISSED.