

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-51024
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REBECCA JEAN STEWART,
also known as Cynthia Alexander,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CR-67-1
- - - - -

August 24, 1998

Before WISDOM, DUHE', and DeMOSS, Circuit Judges.

PER CURIAM:*

Rebecca Jean Stewart, filed an 18 U.S.C. Section 3582 motion to correct or modify her sentence, arguing that the district court denied that motion. Stewart did not file a notice of appeal. Over three months later, however, she filed a motion to reconsider. The district denied that motion and Stewart filed a notice of appeal.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Federal courts have an obligation to examine sua sponte the basis for their jurisdiction.** Stewart did not file a timely motion to reconsider.*** We do not have jurisdiction to hear this appeal.****

Stewart's appeal is DISMISSED.

***United States v. DeLos Reves*, 842 F.2d 755, 757 (5th Cir. 1988).

***See Fed. R. App. P. 4(b); *United States v. Brewer*, 60 F.3d 1142, 1145 (5th Cir. 1995).

****See *Brewer*, 60 F.3d at 1144. Even if we were to construe Stewart's motion to reconsider as a request to file a late notice of appeal, we do not have jurisdiction to hear this appeal. Fed. R. App. P.4(b) allows for an extension of the time period in which to file an appeal, but that extension is limited to thirty days. See *United States v. Awalt*, 728 F.2d 704, 705 (5th Cir. 1984). Stewart's motion was filed well after this period.