

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50144
Summary Calendar

FREDDIE CARTER,

Plaintiff-Appellant,

versus

FREESTONE COUNTY JAIL, FAIRFIELD, TX;
SONNY SESSION, Sheriff; STEVEN NEAL,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-97-CV-265
- - - - -

September 3, 1998

Before JOLLY, SMITH and WIENER, Circuit Judges.

PER CURIAM:*

Freddie Carter, Texas inmate # 637184, requests permission to proceed in forma pauperis (IFP) on appeal. The motion is DENIED. The case is REMANDED, and the district court is directed to assess the appellate filing fee and order the payment of the filing fee in compliance with the Prison Litigation Reform Act (PLRA). See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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). "The time limitation for filing a notice of appeal is jurisdictional and lack of a timely notice mandates dismissal of an appeal." Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1985)(citations omitted).

Carter did not file his notice of appeal within 30 days of entry of the district court's order dismissing his lawsuit. See Fed. R. App. P. 4(a)(1). Accordingly, we are without jurisdiction, and the appeal is DISMISSED.

MOTION DENIED; APPEAL DISMISSED; REMANDED FOR FURTHER PROCEEDINGS IN CONNECTION WITH PLRA COMPLIANCE.