

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-40983
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 10, 2014

Lyle W. Cayce
Clerk

ARTHUR JOYAL BARKER,

Plaintiff-Appellant

v.

RUTH BROUWER, Medical Practitioner; JOYCE FRANCIS, Vocational Nurse; THOMAS MACIEL, Registered Nurse,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:12-CV-10

Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges

PER CURIAM:*

Arthur Joyal Barker, Texas prisoner # 1290750, is appealing from the denial of his Federal Rule of Civil Procedure 60(b) motion filed in his 42 U.S.C. § 1983 proceeding. We must examine the basis of our jurisdiction, sua sponte, if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). A timely

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-40983

notice of appeal is a jurisdictional requirement in a civil case. *Bowles v. Russell*, 551 U.S. 205, 213-14 (2007).

Barker failed to file a timely notice of appeal following the denial of his Rule 60(b) motion or a timely motion to extend the time to file a notice of appeal. Consequently, we are without jurisdiction to consider the appeal. *See Williams v. Chater*, 87 F.3d 702, 704-06 (5th Cir. 1996). Therefore, the appeal is DISMISSED for lack of appellate jurisdiction. *See Bowles*, 551 U.S. at 214. Barker's motion for the appointment of counsel is DENIED.