

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 18, 2023

Lyle W. Cayce
Clerk

No. 22-40451
Summary Calendar

ERIC WATKINS,

Plaintiff—Appellant,

versus

WESTON L., *Disciplinary Hearing Office, Beaumont Federal Correctional
Complex-Medium,*

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:12-CV-18

Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:*

Eric Watkins, former federal prisoner # 55630-004, proceeding pro se and in forma pauperis (IFP), filed a complaint pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). The district court dismissed the complaint for failure to state a claim upon which

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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relief may be granted, finding that *Bivens* did not afford a cause of action. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). Watkins challenges that decision.

As a threshold matter, this court must determine whether it has jurisdiction to entertain Watkins’s appeal. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). “[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Where, as here, one of the parties is a current or former “United States officer or employee” sued in an official or individual capacity, an appellant in a civil case has 60 days from the entry of judgment to file a notice of appeal. FED. R. APP. P. 4(a)(1)(B)(iii)-(iv). The district court entered its judgment dismissing Watkins’s complaint on Monday, May 16, 2022. The 60-day time period for filing an appeal expired on Friday, July 15, 2022. *See* FED. R. APP. P. 4(a)(1)(B). Watkins’s notice of appeal was docketed on July 18, 2022, the next Monday, and, therefore, it was untimely. *See id.*; *see also* FED. R. APP. P. 26(a)(1).

As Watkins’s notice of appeal is untimely, his appeal is DISMISSED for lack of jurisdiction. *See* FED. R. APP. P. 4(a)(1)(B); *Bowles*, 551 U.S. at 213-14.