

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 24, 2022

Lyle W. Cayce
Clerk

No. 20-11152
Summary Calendar

NOEL VALDEZ ANDRADE,

Plaintiff—Appellant,

versus

AMARILLO POLICE DEPARTMENT AND POLICE OFFICERS;
STEVEN J. DEAL; CAMERON KENT CAMARILLO; THOMAS L.
HIGHTOWER; BRITTANY DANIELS; RANDALL C. SIMS; ADRIAN
CASTILLO; RICHARD MARTINDALE; JUSTIN SANDERS; PAMELA
C. SIRMON, *320th District Court Judge*; GRAND JURORS FOR POTTER
COUNTY TEXAS; BRENT HUCKABAY LAW FIRM, P.L.L.C.,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:19-CV-163

Before SOUTHWICK, GRAVES, and COSTA, *Circuit Judges.*

PER CURIAM:*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

Noel Valdez Andrade, former Texas prisoner # 2266633, moves this court for authorization to proceed in forma pauperis (IFP) on appeal of the dismissal of his civil rights action under Federal Rule of Civil Procedure 41(a)(1)(A)(i). This court has a duty to examine the basis of its jurisdiction, sua sponte, if necessary. *Trent v. Wade*, 776 F.3d 368, 387 (5th Cir. 2015). A timely notice of appeal in a civil case is a jurisdictional prerequisite when, as here, the time limit is set by statute. *See Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007); 28 U.S.C. § 2107(a).

Valdez Andrade's notice of appeal, filed approximately eight months after the dismissal he sought to appeal, was untimely. *See* FED. R. APP. P. 4(a)(1)(A), (a)(5). We therefore lack jurisdiction to review the dismissal or the district court's construction of Valdez Andrade's pleadings. *See Hamer*, 138 S. Ct. at 17. For this reason, Valdez Andrade's motion to proceed IFP on appeal is DENIED and this appeal DISMISSED for lack of jurisdiction.