

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 16, 2021

Lyle W. Cayce
Clerk

No. 20-30662
Summary Calendar

JOSHUA JAMICHAEL VANBUREN,

Plaintiff—Appellant,

versus

RAYMOND M. SPOON, *Police Officer, West Monroe Police Department;*
PAUL BLUNSCHI, *Police Officer, West Monroe Police Department,*

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:19-CV-453

Before DAVIS, JONES, and ELROD, *Circuit Judges.*

PER CURIAM:*

On September 11, 2020, Joshua Jamichael VanBuren filed in this court a constructive notice of appeal from a judgment entered on May 9, 2019, in which the district court dismissed his civil rights action. In his pro se

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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appellate brief, VanBuren argues that the district court erred in its determination that his claims against defendants Raymond M. Spoon and Paul Blunschli were untimely filed.

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). 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). VanBuren’s constructive notice of appeal is not timely from the judgment it seeks to challenge. *See* § 2107(a); FED. R. APP. P. 4(d). Because VanBuren’s appeal is untimely, we lack jurisdiction to consider it. *See Hamer*, 138 S. Ct. at 17.

Accordingly, the appeal is DISMISSED for lack of jurisdiction.