

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 16, 2025

Lyle W. Cayce
Clerk

No. 25-50440
Summary Calendar

KEVIN JAMES MANNING,

Plaintiff—Appellant,

versus

FEDERAL GOVERNMENT OF THE UNITED STATES; DONALD
TRUMP ADMINISTRATION; JOE BIDEN ADMINISTRATION;
CONGRESS OF THE UNITED STATES OF AMERICA,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-1123

Before SOUTHWICK, DUNCAN, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Kevin James Manning, former Texas prisoner # 2458368, appeals from the district court's dismissal of his complaint as malicious and frivolous. He moves for leave to proceed in forma pauperis (IFP) on appeal as a strike-barred litigant.

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

No. 25-50440

We must examine the basis of our jurisdiction, sua sponte, if necessary. *See Perez v. Stephens*, 784 F.3d 276, 280 (5th Cir. 2015). Because Manning's notice of appeal is untimely, we lack jurisdiction. *See* FED. R. APP. P. 4(a)(1)(B); *see also Hamer v. Neighborhood Hous. Servs. of Chicago*, 583 U.S. 17, 20 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Accordingly, the appeal is DISMISSED for lack of jurisdiction. Manning's motion for leave to proceed IFP on appeal is DENIED as moot.