

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-20075

MERIA JAMES BRADLEY,

Petitioner–Appellant,

versus

LORIE DAVIS, Director,

Texas Department of Criminal Justice, Correctional Institutions Division,

Respondent–Appellee.

Appeal from the United States District Court
for the Southern District of Texas

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:

Appellant’s motion for reconsideration of the order dismissing the appeal
for want of jurisdiction is DENIED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-20075



MERIA JAMES BRADLEY,

Petitioner - Appellant

A True Copy

Certified order issued Apr 19, 2018

Steph W. Curyce
Clerk, U.S. Court of Appeals, Fifth Circuit

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeal from the United States District Court
for the Southern District of Texas

Before HIGGINBOTHAM, SMITH, AND CLEMENT, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment. In this habeas corpus case filed by a state prisoner, the district court entered an order denying a certificate of appealability and denying the petition on July 7, 2017. The petitioner timely filed a motion for reconsideration on August 15, 2017. The motion was denied November 28, 2017. Therefore, the final day for filing a timely notice of appeal was December

28, 2017. The petitioner's pro se notice of appeal is dated January 19, 2018, and stamped as filed on January 26, 2018. Because the notice of appeal is dated January 19, 2018, it could not have been deposited in the prison's mail system within the prescribed time. See FED. R. APP. P. 4(c)(1) (prisoner's pro se notice of appeal is timely filed if deposited in the institution's internal mail system on or before the last day for filing). When set by statute, the time limitation for filing a notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *Robbins v. Maggio*, 750 F.2d 405, 408 (5th Cir. 1985).

IT IS SO ORDERED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

May 09, 2018

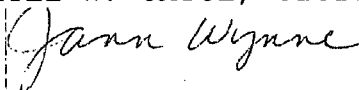
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 18-20075 Meria Bradley v. Lorie Davis, Director
USDC No. 4:16-CV-1425

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Jann M. Wynne, Deputy Clerk
504-310-7688

Mr. Meria James Bradley
Ms. Cara Hanna