

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-51372

United States Court of Appeals
Fifth Circuit

FILED

March 13, 2017

Lyle W. Cayce
Clerk

MICHAEL THOMAS PAUL,

Plaintiff-Appellant

v.

CITY OF SAN ANTONIO, Acting by and through the City Public Service Board
(CPS Energy),

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:16-CV-1119

Before CLEMENT, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Michael Thomas Paul seeks to appeal two rulings by the federal magistrate judge denying his motions for appointment of counsel in a civil action. He also moves this court for appointment of appellate counsel.

An interlocutory order denying the appointment of counsel in a civil action is immediately appealable. *Robbins v. Maggio*, 750 F.2d 405, 413 (5th Cir. 1985). However, nothing in the record indicates that the magistrate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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judge's rulings were ever appealed to the district judge or that the parties consented to proceed before the magistrate judge. Accordingly, we lack jurisdiction over this appeal directly from the rulings of the magistrate judge. *See Alpine View Co. v. Atlas Copco AB*, 205 F.3d 208, 219-20 (5th Cir. 2000); *United States v. Renfro*, 620 F.2d 497, 500 (5th Cir. 1980).

Paul's appeal is DISMISSED for lack of jurisdiction. His motion for appointment of appellate counsel is DENIED.