

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 11, 2007

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No. 06-11224

Conference Calendar

Charles R. Fulbruge III  
Clerk

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LASHAUNDA KING; CATREAS TURNER

Plaintiffs-Appellees

v.

ACIE GILKEY, JR

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:06-CV-62  
\_\_\_\_\_

Before REAVLEY, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:\*

Acie Gilkey, Jr., Texas prisoner # 1219076, the defendant in the instant 42 U.S.C. § 1983 action, has appealed from the magistrate judge's denial of his motion for appointment of counsel to represent him in the district court proceedings and his request for access to physical evidence obtained in conjunction with his criminal trial for sexual assault and aggravated sexual assault. To the extent Gilkey is attempting to challenge the district court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

denial of his motion for judicial review, Gilkey's appeal from that order, docketed in Case No. 06-11319, has been dismissed.

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). Gilkey did not challenge the magistrate judge's adverse ruling before the district court, and there is no evidence in the record that Gilkey consented to proceed before the magistrate judge pursuant to 28 U.S.C. § 636(c)(1). Consequently, we dismiss this appeal for lack of appellate jurisdiction. See *Gregg v. Linder*, 349 F.3d 860, 862 (5th Cir. 2003).

APPEAL DISMISSED.