

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

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United States Court of Appeals  
Fifth Circuit

**FILED**

September 1, 2017

Lyle W. Cayce  
Clerk

JOSHUA WREN,

Plaintiff-Appellant

v.

OFFICER JIMMY CURTIS; OFFICER NFN MENDEZ; OFFICER NFN PRADO; OFFICER NFN VANDAM; SERGEANT NFN ALCANTAR; SERGEANT NFN MILLER; SERGEANT NFN LOZANO; LIEUTENANT NFN CANTRELL; MEDICAL PERSONNEL JONES; JOHN DOE; BRIAN COLLIER, TDCJ, Executive Director,

Defendants-Appellees

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:16-CV-196

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Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:\*

Joshua Wren, Texas prisoner # 01982778, appeals the magistrate judge's denial of his motion for appointment of counsel. 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). Although an order denying the appointment

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 16-11710

of counsel in a civil rights action is immediately appealable, *Robbins v. Maggio*, 750 F.2d 405, 413 (5th Cir. 1985), if that order was issued by a magistrate judge and the parties have not consented to proceed before a magistrate judge, the order must first be appealed to the district court. 28 U.S.C. § 636(b)(1)(A),(c)(1),(c)(3); see *Alpine View Co. v. Atlas Copco AB*, 205 F.3d 208, 219-20 (5th Cir.2000). Otherwise, this court lacks jurisdiction to review the magistrate judge's order. *United States v. Renfro*, 620 F.2d 497, 500 (5th Cir. 1980).

The record does not indicate that the parties consented to proceed before a magistrate judge or that the district court ruled on Wren's objections and issued its own order on the motion for appointment of counsel. Therefore, we dismiss Wren's appeal for lack of jurisdiction.

APPEAL DISMISSED.