

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-50498

United States Court of Appeals
Fifth Circuit

FILED

January 17, 2017

Lyle W. Cayce
Clerk

MATTHEW JAMAL JACKSON,

Plaintiff-Appellant

v.

SUSAN PAMERLEAU, Bexar County Sheriff; A. BANASCO, Jail Administrator Chief; SAN ANTONIO, TEXAS; BEXAR COUNTY JUDICIAL OFFICIALS; BEXAR COUNTY PROSECUTORIAL OFFICIALS; VINCENT D. CALLAHAN, Attorney; BEXAR COUNTY, TEXAS,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:15-CV-509

Before OWEN, ELROD, and COSTA, Circuit Judges.

PER CURIAM:*

“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). “Federal appellate courts have jurisdiction over appeals only from (1) a final decision under 28 U.S.C. § 1291; (2) a decision that is deemed final due to jurisprudential exception or that has been properly certified as final pursuant

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 16-50498

to [Rule] 54(b); and (3) interlocutory orders that fall into specific classes, 28 U.S.C. § 1292(a), or that have been properly certified for appeal by the district court, 28 U.S.C. § 1292(b).” *Askanase v. Livingwell, Inc.*, 981 F.2d 807, 809-10 (5th Cir. 1993). “A decision is final when it ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Id.* at 810 (internal quotation marks and citation omitted).

The notice of appeal in this case designates either the Magistrate Judge’s order to show cause or the report and recommendation that plaintiff’s claims be dismissed, neither of which is an appealable final decision. *See Donaldson v. Ducote*, 373 F.3d 622, 624 (5th Cir. 2004); *United States v. Cooper*, 135 F.3d 960, 961-63 (5th Cir. 1998). Accordingly, this appeal must be dismissed for lack of jurisdiction and plaintiff’s motion for leave to proceed on appeal in forma pauperis must be denied.

IT IS SO ORDERED.