

United States Court of Appeals  
for the Fifth Circuit

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No. 22-50216

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 4, 2022

IN THE MATTER OF CARL N. MERKLE

Lyle W. Cayce

Clerk

*Debtor,*

CARL N. MERKLE,

*Appellant,*

*versus*

JOHNNY W. THOMAS, CHAPTER 7 TRUSTEE,

*Appellee.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:21-CV-1278

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Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:\*

This court has “an independent obligation to determine whether subject-matter jurisdiction exists.” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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(2006). “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 to Fed. R. Civ. P. 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).

This bankruptcy appeal does not fall under any of those categories. The notice of appeal states that it concerns an oral order by the bankruptcy judge, not a final order from the district court. And the district court had only issued only one order at the time, an order to show cause, that was non-appealable. Accordingly, the appeal is dismissed for lack of jurisdiction.