

May 20, 2004

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 03-30814
c/w No. 03-30838

TOMMY H. CONDREY; MODTRACK CORP.,

Plaintiffs-Appellants,

versus

SUNTRUST BANK OF GEORGIA; ET AL.,

Defendants,

SUNTRUST BANK OF GEORGIA,

Defendant-Appellee.

TOMMY H. CONDREY; ET AL.,

Plaintiffs,

versus

SUNTRUST BANK OF GA; ET AL.,

Defendants.

HARRELL EQUIPMENT COMPANY, INC.,

Defendant-Cross Claimant-Appellant,

versus

SUNTRUST BANK OF GEORGIA,

Defendant-Cross Defendant-Appellee.

**Appeals from the United States District Court
for the Western District of Louisiana
(3:01-CV-286)**

Before BARKSDALE, EMILIO M. GARZA, and PICKERING, Circuit Judges.
PER CURIAM:*

We consolidate these appeals. FED. R. APP. P. 3(b)(2). It goes without saying that we must examine the basis of our appellate jurisdiction, *sua sponte*, if need be. *E.g.*, ***Smith v. Texas Children's Hospital***, 172 F.3d 923, 925 (5th Cir. 1999). These appeals are from the 29 July 2003 judgment signed by the magistrate judge. Because, *inter alia*, the requisite consent was lacking, the magistrate judge was not authorized to enter the judgment. See 28 U.S.C. § 636(c). Therefore there has not been a final judgment in this case, and we are without appellate jurisdiction. See, *e.g.*, ***Askanase v. Livingwell, Inc.***, 981 F.2d 807, 809-10 (5th Cir. 1993). Accordingly, the appeals are

DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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