

February 23, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10513
Conference Calendar

WILLIAM MORRIS RISBY,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:04-CV-1414-H

Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

William Morris Risby, federal prisoner # 31495-077, has filed an application for leave to proceed in forma pauperis (IFP) on appeal, following the denial of his motion for appointment of counsel in a civil action seeking the return of seized property. We must examine the basis of our jurisdiction sua sponte if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987).

Generally, this court's jurisdiction is limited to final decisions of district courts. 28 U.S.C. § 1291. The denial of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appointed counsel does not conclude litigation and is therefore not a final decision. Marler v. Adonis Health Prods., 997 F.2d 1141, 1142 (5th Cir. 1993). Risby's case is a civil action against the Government. Pena v. United States, 122 F.3d 3, 4 (5th Cir. 1997). As such, this court does not have jurisdiction over an interlocutory order denying appointment of counsel. See Marler, 997 F.3d at 1143. Accordingly, the appeal is DISMISSED for lack of jurisdiction. Risby's motion for leave to proceed IFP on appeal is DENIED.