

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 11, 2008

No. 07-10306
Summary Calendar

Charles R. Fulbruge III
Clerk

PASTOR NELL COOPER, also known Erma Cooper, also known as Irma Nell Cooper

Plaintiff-Appellant

v.

DON MICHAEL BAUCUM; A & M INVESTMENT; A & M HERITAGE HOLDINGS, INC LTD LLC; LEE NICK MCFADIN, JR; ELIZABETH PATTMORE, Manager; JANNA WARD CLARKE; D M LYNN; VINCENT G SPRINKLE

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:07-CV-95

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Pastor Nell Cooper has filed a motion for leave to proceed in forma pauperis (IFP) in this court. Cooper's request for leave to proceed IFP in the district court was denied by the magistrate judge; when she failed to comply

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

with an order to pay the requisite filing fee, the district court dismissed her complaint for failure to prosecute.

If necessary, this court must examine the basis of its jurisdiction *sua sponte*. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Following the magistrate's denial of leave to proceed IFP in the district court, Cooper filed a pleading entitled "Appeal as of Right," which the district court clerk construed as a notice of an interlocutory appeal. However, the district court correctly construed this pleading as objections to the magistrate's order rather than a notice of appeal. See FED. R. CIV. P. 72(a); *Donaldson v. Ducote*, 373 F.3d 622, 624 (5th Cir. 2004). Because Cooper has not filed any subsequent pleading that could be construed as a timely notice of appeal, this court lacks jurisdiction to consider her appeal. See *Bowles v. Russell*, 127 S. Ct. 2360, 2366 (2007).

APPEAL DISMISSED.