

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10090
Conference Calendar

SHAWN ERIC MCGEE,

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL JUSTICE;
DALLAS COUNTY SHERIFF'S DEPARTMENT;
STATE OF TEXAS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CV-1295
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Shawn Eric McGee, a Texas inmate (# 582006), appeals the district court's order denying his motion to file an out-of-time appeal from the dismissal of his 42 U.S.C. § 1983 civil rights complaint. 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). At the time of filing the notice of appeal, the district court had not entered a final or otherwise appealable order; orders of the magistrate judge are not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appealable to this court. Trufant v. Autocon, Inc., 729 F.2d 308, 309 (5th Cir. 1984).

McGee's motions for appointment of counsel, for leave to file a supplemental brief, and to amend his brief, and his three separate motions to "add exhibits," are DENIED as moot.

APPEAL DISMISSED; MOTIONS DENIED AS MOOT.