

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-10949  
Conference Calendar

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RAYMOND KING,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT  
OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION; ET AL,

Defendants,

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT  
OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;  
JOHN DOES, Officier; JANE DOES, Officer,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:97-CV-390  
- - - - -

February 11, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.\*

PER CURIAM:\*\*

Having appealed the dismissal of his civil rights complaint as to certain individual defendants, Raymond King, Texas prisoner No. 636040, requests that this court hold his appeal in abeyance

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\*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

pending the resolution of his claims against the remaining defendant.

This court must examine sua sponte the basis of its own jurisdiction, if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). As the district court's judgment was not final as to all parties, we lack appellate jurisdiction. 28 U.S.C. § 1291. Thus, the motion to hold the appeal in abeyance is DENIED AS MOOT, and the APPEAL IS DISMISSED WITHOUT PREJUDICE.

MOTION DENIED AS MOOT; APPEAL DISMISSED WITHOUT PREJUDICE.