

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-31043  
Summary Calendar

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BARBARA HOOVER,

Plaintiff-Appellant,

versus

CIVIL DISTRICT COURT, Parish of Orleans, State of Louisiana; NADINE RAMSEY, Judge; SHELLY NICHOLSON, Court Reporter; PINKY FERDINAND, Court Reporter; TERRI LOVE, Judge; LESLIE CALLAIS, Court Reporter; MARJORIE STAES, Court Reporter; KIM BOYLE, Judge; ROBIN GIARUSSO, Judge; CARLA JOSEPH, Court Reporter; GERALD GEDEROFF, Judge; BARBARA BERGUR, Court Reporter; RICHARD GANUCHEAU, Judge; MR. CALLAIS, Court Reporter; YADA MAGEE, Judge; THERESA MILLER, Court Reporter; ROLAND BELLSOME, Judge; LAURIE HENDRICKSON, Court Reporter,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
(01-CV-769)  
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February 28, 2002

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:

We must determine the basis of our jurisdiction and must do so on our own motion, if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Generally, parties may appeal only from final orders unless the order has been certified for immediate, interlocutory appeal. 28 U.S.C. §§ 1291, 1292(b). A final decision is one that "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Dillon v.*

*State of Mississippi Military Dep't*, 23 F.3d 915, 917 (5th Cir. 1994)(citation and quotations omitted).

No final judgment has been entered in the captioned case. The district court announced its intention to dismiss the case if Plaintiff-Appellant Hoover failed to comply with a show-cause order. That was not, however, a self-executing order of dismissal, and the district court has not dismissed the case. Hoover could have filed a pleading explaining the bases for her claims and could have avoided a dismissal for failure to comply. The show-cause order did not therefore end the litigation on the merits and leave nothing for the court to do but sign and file the judgment. See *Dillon*, 23 F.3d at 917. As there is no final judgment, there is nothing from which an appeal on the merits may be taken.

Additionally, the district court's show-cause order and its order denying Hoover's motion for transcripts, for an extension, and for a stay, could be reviewed on appeal from any final order dismissing the case. Therefore, those orders are not appealable under the collateral-order doctrine. *Carter v. Fenner*, 136 F.3d 1000, 1004 n.7 (5th Cir. 1998). Lacking jurisdiction over Hoover's appeal, it is

DISMISSED.