

October 19, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20311
Summary Calendar

JOHNNY A. NECESSARY,

Plaintiff-Appellant,

versus

DOUG DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CV-2072

Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Johnny A. Necessary, Texas prisoner # 690032, was convicted of robbery and sentenced to 60 years of imprisonment. Necessary appeals the district court's order redesignating his 28 U.S.C. § 2241 petition as a 42 U.S.C. § 1983 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). Because the district court's order did not dispose of any of Necessary's claims, it was not a final judgment under 28 U.S.C.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 1291. It also was not an interlocutory order specified in 28 U.S.C. § 1292(a), was not certified by the district court as immediately appealable under FED. R. Civ. P. 54, and did not meet the collateral order doctrine. Accordingly, this court does not have jurisdiction over Necessary's appeal. See Acoustic Sys., Inc. v. Wenger Corp., 207 F.3d 287, 290 (5th Cir. 2000); Dardar v. Lafourche Realty Co., 849 F.2d 955, 957 (5th Cir. 1988); Thompson v. Betts, 754 F.2d 1243, 1245 (5th Cir. 1985).

Necessary's appeal is DISMISSED. Necessary's motion to compel production of documents is also DENIED AS MOOT.