

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 13-30968  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

March 12, 2014

Lyle W. Cayce  
Clerk

BRIAN DAVIS,

Plaintiff-Appellant

v.

BETTY MARAK; JOE BLACK; UNKNOWN FEDERAL AGENTS,

Defendants-Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:13-CV-2182  
\_\_\_\_\_

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Brian Davis appeals the district court's order that dismissed his claims against his court appointed counsel, Assistant Federal Public Defender Betty Marak, and stayed his claims concerning the allegedly unlawful use of a confidential informant to gather evidence in his criminal prosecution. He moves for leave to proceed in forma pauperis (IFP) following the district court's certification that the appeal was not taken in good faith.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-30968

“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). Our jurisdiction is limited to appeals from “final decisions of the district courts.” 28 U.S.C. § 1291. Under Federal Rule of Civil Procedure 54(b), a decision that adjudicates fewer than all the claims may be considered on appeal if the district court expressly determines that there is no just reason for delay and expressly directs entry of judgment. A district court satisfies the requirements for entering an order of final judgment under Rule 54(b) “[i]f the language in the order appealed from, either independently or together with related portions of the record referred to in the order, reflects the district court’s unmistakable intent to enter a partial final judgment under Rule 54(b) . . . .” *Kelly v. Lee’s Old Fashioned Hamburgers, Inc.*, 908 F.2d 1218, 1220 (5th Cir. 1990) (en banc).

The district court’s order does not indicate that the district court intended for it to be a partial final judgment under Rule 54(b). *See id.* Accordingly, this court is without jurisdiction, and the appeal is dismissed. Davis’s IFP motion is denied.

APPEAL DISMISSED; IFP MOTION DENIED.