

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

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No. 17-30689  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 29, 2018

Lyle W. Cayce  
Clerk

FELIX A. PRICE,

Petitioner-Appellant

v.

DARREL VANNOY, WARDEN, LOUISIANA STATE PENITENTIARY,

Respondent-Appellee

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:17-CV-4052

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Before KING, SOUTHWICK, and ENGELHARDT, Circuit Judges.

PER CURIAM:\*

Felix A. Price, Louisiana prisoner # 91688, appeals from the denial of his Federal Rule of Civil Procedure 60(b) motion. The magistrate judge denied Price's Rule 60(b) motion. After Price filed a notice of appeal, the district court affirmed the magistrate judge's denial.

The magistrate judge lacked authorization to rule on Price's Rule 60(b) motion under these circumstances because Price did not consent under 28

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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U.S.C. § 636(c) and there was no other basis for the magistrate judge's authority over that motion. *See McLeod, Alexander, Powel & Appfel, P.C. v. Quarles*, 925 F.2d 853, 856 (5th Cir. 1991); *Parks By and Through Parks v. Collins*, 761 F.2d 1101, 1104 (5th Cir. 1985). Because the magistrate judge's order was not a final appealable decision, we lack jurisdiction to review it. *See* 28 U.S.C. § 1291; *Trufant v. Autocon, Inc.* 729 F.2d 308, 309 (5th Cir. 1984). Moreover, Price's premature notice of appeal was insufficient to confer jurisdiction on this court from the district court's order affirming the magistrate judge's denial. *See FirstTier Mortg. Co. v. Investors Mortg. Ins. Co.*, 498 U.S. 269, 276-77 (1991); *see also United States v. Cooper*, 135 F.3d 960, 963 (5th Cir. 1998).

APPEAL DISMISSED.