

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 25, 2020

Lyle W. Cayce  
Clerk

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No. 18-40086  
Summary Calendar

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MARCUS DEON JOHNSON,

Plaintiff-Appellant

v.

GAGE L. GUINN,

Defendant-Appellee

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Appeals from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:16-CV-1169

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Before HIGGINBOTHAM, HO, and ENGELHARDT, Circuit Judges.

PER CURIAM:\*

Marcus Deon Johnson, Texas prisoner # 1719334, appeals the district court's order granting counsel's motion to withdraw and denying Johnson's motion to appoint substitute counsel in his civil rights action under 42 U.S.C. § 1983. "This [c]ourt must examine the basis of its jurisdiction, on its own motion, if necessary." *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The denial of a motion for appointment of counsel in a § 1983 case is not

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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immediately appealable under the collateral order doctrine. *Williams v. Catoe*, 946 F.3d 278, 279 (5th Cir. 2020) (en banc) (overruling *Robbins v. Maggio*, 750 F.2d 405 (5th Cir. 1985)).

Accordingly, the appeal is DISMISSED for lack of jurisdiction.