

United States Court of Appeals
for the Fifth Circuit

No. 23-30453

United States Court of Appeals
Fifth Circuit

FILED

October 16, 2023

Lyle W. Cayce
Clerk

WESLEY SINCLAIR RICKS,

Plaintiff—Appellant,

versus

STATE OF LOUISIANA; DEPARTMENT OF JUSTICE; DISTRICT
ATTORNEY ASSOCIATION; PARISH OF MOREHOUSE; PARISH OF
IBERIA; JEFFREY M. LANDRY; JOHN G. SPIRES; ROBERT S.
TEW; STEPHEN SYLVESTER,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:23-CV-734

Before JONES, HIGGINSON, and HO, *Circuit Judges.*

PER CURIAM:*

Wesley Sinclair Ricks, Louisiana prisoner # 499599, is barred under 28 U.S.C. § 1915(g) from proceeding in forma pauperis (IFP) unless he shows that he is in imminent danger of serious physical injury. He filed a 42 U.S.C. § 1983 complaint against the State of Louisiana. After the magistrate judge

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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denied him leave to proceed IFP, Ricks filed a notice of appeal to this court. He then filed a notice of appeal to the district court. The district court subsequently affirmed the magistrate judge's order denying his IFP motion. No subsequent notice of appeal was filed.

We must examine the basis of our jurisdiction, sua sponte if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). "The courts of appeals . . . have jurisdiction of appeals from all final decisions of the district courts of the United States." 28 U.S.C. § 1291. A magistrate judge's order is not a final, appealable order over which our court has jurisdiction unless the parties were proceeding by consent, of which there is no evidence in this proceeding. *See Donaldson v. Ducote*, 373 F.3d 622, 624 (5th Cir. 2004). Thus, we lack jurisdiction over the instant appeal. *See id.*

APPEAL DISMISSED FOR LACK OF JURISDICTION;
MOTION FOR LEAVE TO PROCEED IFP DENIED.