

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3302
Conference Calendar

MICHAEL OSWALD,

Plaintiff-Appellee,

versus

UNION OIL COMPANY OF CALIFORNIA ET AL.,

Defendants,

CHARLES HANEMANN,

Movant-Appellant,

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CA 92 1442 D
- - - - -
(December 14, 1993)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Attorney Charles Hanemann appeals the imposition of costs and fees assessed against him by the district court pursuant to 28 U.S.C. § 1927. This Court must consider its jurisdiction sua sponte if necessary. Click v. Abilene Nat. Bank, 822 F.2d 544, 545 (5th Cir. 1987). An order awarding sanctions pursuant to

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Fed. R. Civ. P. 11 is not a final order when the case remains pending before the district court. Id. at 545. Likewise, a Rule 11 order is not appealable pursuant to the collateral order doctrine of Cohen v. Beneficial Life Ins. Co., 337 U.S. 541, 69 S.Ct. 1221, 93 L.Ed. 1528 (1949). Id. Moreover, sanctions imposed under Rule 11 are not differentiated from the sanctions that the district court may enter pursuant to Fed. R. Civ. P. 37 or 28 U.S.C. 1927. Id. Inasmuch as the district court did not terminate the litigation when it ordered the mistrial and imposed sanctions under § 1927, this Court lacks jurisdiction to review Hanemann's appeal. Hanemann is counsel for a defendant which remains a party in the still-pending suit.

The appeal is DISMISSED.