

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-5325  
Conference Calendar

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SAMUEL JAMES JACKSON,

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, INSTITUTIONAL DIVISION,  
ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:93cv419  
- - - - -

(July 19, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:\*

This Court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 69, 660 (5th Cir. 1987). In this prisoner civil rights action, Samuel James Jackson filed a notice of appeal to this Court from an order of the magistrate judge denying relief from the magistrate judge's order continuing the case for 90 days to allow Jackson to exhaust administrative remedies. Orders of the magistrate judge are not

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\* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

appealable to this Court, absent a specific statutory provision authorizing direct appeal or the voluntary consent of the parties. See Trufant v. Autocon, Inc., 729 F.2d 308, 309 (5th Cir. 1984). Neither exception applies here. Accordingly, the appeal is dismissed.

We do note that the magistrate judge recited that the plaintiff stated that he had not pursued the prison grievance procedure, but the complaint states that Jackson filed a grievance to which he received no reply. Nevertheless, we have no jurisdiction in this case.

APPEAL DISMISSED.