

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-8677
Summary Calendar

KAAZIM ABUL UMAR,
a/k/a Wesley L. Pittman,

Plaintiff-Appellant,

VERSUS

REBECKA BURKETT, ET AL.,

Defendants-Appellants.

Appeal from the United States District Court
for the Western District of Texas
(W-91-CV-292)

(February 21, 1994)

Before DAVIS, JONES and DUHÉ, Circuit Judges.

DAVIS, Circuit Judge:¹

Umar appeals the district court's order announcing its intent to dismiss his suit with prejudice unless he paid the court's \$100 sanction within 60 days. We dismiss the appeal for lack of jurisdiction.

I.

¹Local 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

This case is here on appeal after remand. This court previously vacated the district court's dismissal under 28 U.S.C. § 1915(d) of Kaazim Abul Umar's § 1983 action seeking relief for denial of medical care and failure to protect. We affirmed the dismissal of the majority of Umar's other claims and affirmed the district court's imposition of Rule 11 sanctions in the amount of \$100. We also stated that the district court's ban on further lawsuits until the sanction was paid applied to the reconsideration of this case on remand. **Umar v. Burkett**, No. 92-8256 (5th Cir. Jun. 15, 1993) (unpublished).

On remand, the district court issued an order stating that because Umar had not paid the \$100 sanction, the case would not be re-opened until he paid the sanction. The court further ordered that if Umar did not pay within 60 days, the case would be dismissed with prejudice. Umar filed a motion requesting the court to alter this order, arguing that the court had abused its discretion in requiring him to pay the sanction when the Fifth Circuit had ruled that his claims were not frivolous. The district court denied this motion. Umar then filed a notice of appeal and a motion for reconsideration; the district court did not act on either of these motions.

II.

Federal courts have the obligation to examine **sua sponte** the basis of their jurisdiction. **United States v. De Los Reyes**, 842 F.2d 755, 757 (5th Cir. 1988). This court has jurisdiction over all final decisions of the district court. 28 U.S.C. § 1291.

Generally, an order imposing Rule 11 sanctions prior to the imposition of a final judgment is not a final appealable order. **See Click v. Abilene Nat'l Bank**, 822 F.2d 544, 545 (5th Cir. 1987).

The order appealed from is not a final judgment because the district court has not dismissed the case. Umar appealed before the 60-day time limit ran and before the district court had an opportunity to enforce its order by dismissal. Appellate jurisdiction is lacking, and this appeal therefore is dismissed. **Williams v. Stalder**, No. 93-3546 (5th Cir. Nov. 3, 1993)(unpublished).

APPEAL DISMISSED.