

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-11097
Conference Calendar

PATRICK JAMES REEDOM,

Plaintiff-Appellee,

versus

ZACK MOSLEY ET AL.,

Defendants,

ZACK MOSLEY ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CV-241-E
- - - - -

March 21, 1995

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that Patrick James Reedom's motion for leave to proceed in forma pauperis is DENIED. Reedom has not shown that he will present a nonfrivolous issue on appeal. Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982).

Reedom filed a complaint alleging that the defendants conspired to prevent Reedom and his nonprofit organization from

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

receiving funding and assistance because of his race. The district court ordered him to amend his complaint to allege a valid basis for jurisdiction. Reedom filed a notice of appeal from the order. This order is not a final appealable judgment under 28 U.S.C. § 1291 or an appealable interlocutory order under 28 U.S.C. § 1292. This court does not have jurisdiction, and the appeal is DISMISSED for lack of jurisdiction.

To the extent that Reedom's papers may be construed as an application for mandamus to recuse the district court judge, the application is DENIED. Even assuming Reedom could demonstrate that he is entitled to mandamus relief, the action has been dismissed and Reedom has not appealed the dismissal. Therefore, there is no action pending in which this court could grant the mandamus relief requested.

Appeal DISMISSED; application for writ of mandamus DENIED.