

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50018
Conference Calendar

JULIAN SCOTT ESPARZA,

Petitioner-Appellant,

versus

TIM MORGAN and
ATTORNEY GENERAL OF
THE STATE OF TEXAS,

Respondents-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. 93-CV-52
- - - - -

(May 18, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Julian Scott Esparza seeks to appeal from an order of the district court transferring his habeas corpus petition to the Southern District of Texas.

This Court must examine the basis of its jurisdiction, on its own motion, if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). Under 28 U.S.C. §§ 1291 and 1292, courts of appeals have appellate jurisdiction over all final decisions of federal district courts, except where a direct review may be had in the Supreme Court,

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

and over certain interlocutory decisions.

An order transferring a case to another district court is not a final judgment. Stelly v. Employers National Insurance Co., 431 F.2d 1251, 1253 (5th Cir. 1970), cert. denied, 401 U.S. 908 (1971). See also Persyn v. United States, 935 F.2d 69, 72-73 (5th Cir. 1991) (order transferring suit against the U.S. to Claims Court is not appealable). Certain interlocutory orders may be reviewed under § 1292(b) if the district court certifies the question. Persyn, 935 F.2d at 72. There is no certification in this case. Therefore, the Court lacks appellate jurisdiction under §§ 1291 and 1292.

Nor do we exercise jurisdiction under the collateral order doctrine. See Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 546, 69 S.Ct. 1221, 93 L.Ed. 1528 (1949). The district court's order transferring the case to the Southern District of Texas did not ultimately determine any right or obligation of the parties with regard to the merits of the litigation. See Acosta v. Tenneco Oil Co., 913 F.2d 205, 207-08 (5th Cir. 1990).

DISMISSED.