

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60437
Summary Calendar

CHARLES L. STRINGER,

Plaintiff-Appellant,

versus

CALVIN HOSKINS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 93-CV-149
- - - - -
(February 9, 1995)

Before DAVIS, WIENER, and EMILIO M. GARZA, 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 659, 660 (5th Cir. 1987). In this prisoner civil rights case, Charles L. Stringer has filed a notice of appeal from an order of the district court denying his "motion for temporary restraining order and/or preliminary injunction," in which he requests that the U.S. Marshal Service be ordered to take custody of him pending resolution of the civil rights suit.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Federal appellate courts have jurisdiction over appeals only from (1) final orders, 28 U.S.C. § 1291; (2) orders that are deemed final due to jurisprudential exception or that have been properly certified as final pursuant to Fed. R. Civ. P. 54(b); and (3) interlocutory orders that fall into specific classes, 28 U.S.C. § 1292(a), or that have been properly certified for appeal by the district court, 28 U.S.C. § 1292(b). See Dardar v. Lafourche Realty Co., 849 F.2d 955, 957 (5th Cir. 1988); Save the Bay, Inc. v. United States Army, 639 F.2d 1100, 1102 (5th Cir. 1981). A decision is final when it "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." Coopers & Lybrand v. Livesay, 437 U.S. 463, 467 (1978) (quoting Catlin v. United States, 324 U.S. 229, 233 (1945)). The present order is not a final decision and, contrary to the plaintiff's jurisdictional statement in his brief, the order is not appealable under 28 U.S.C. § 1292(a)(1) as the requested injunctive relief is unrelated to the substantive issues of the litigation. See Siebert v. Great Northern Development Co., 494 F.2d 510, 511 (5th Cir. 1974). We can discern no basis upon which the order can be appealed prior to the entry of a final judgment in the case.

Stringer's motion for appointment for appellate counsel is DENIED.

APPEAL DISMISSED.