

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20736
Summary Calendar

LAWRENCE P. MILES,

Plaintiff-Appellant,

versus

SUNBELT NATIONAL BANK, ET AL.,

Defendants,

SUNBELT NATIONAL BANK,
LAUREN I. SCHVERAK and
MICHAEL B. MASSEY,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-92-1246
- - - - -

June 13, 1996

Before REAVLEY, DUHÉ and WIENER, 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). We earlier held that the district court's orders granting partial summary judgment, granting a protective order,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

and dismissing Lawrence Miles's claims were not appealable final judgments. Our earlier holding constitutes the law of the case, *Chevron U.S.A., Inc. v. Traillour Oil Co.*, 987 F.2d 1138, 1150 (5th Cir. 1993); Miles may not appeal those orders.

Miles filed no notice of appeal following the district court's order closing his case. Even though the closing of the case did not dispose of the counterclaim, it was nevertheless a final order. See *Lewis v. Beddingfield*, 20 F.3d 123, 124 (5th Cir. 1994)(indefinite stay of suit is final order); *Johnson v. Texas*, 878 F.2d 904, 905 (5th Cir. 1989). We lack jurisdiction to review that order. *United States v. Carr*, 979 F.2d 51, 55 (5th Cir. 1992).

Miles's mandamus request is DENIED as moot. His motion to expedite his appeal also is DENIED as moot.

APPEAL DISMISSED.