

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40157
Summary Calendar

JEROME L. JOHNSON;
RONNIE ANDERSON,

Plaintiffs,

RONNIE ANDERSON,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Director,
Texas Department of Criminal Justice,
Institutional Division, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:95-CV-263
- - - - -

July 8, 1996

Before JONES, EMILIO M. GARZA and DeMOSS, 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). Ronnie Anderson (#555779) filed a "notice of appeal"

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

within thirty days of the district court's order dismissing his complaint for want of prosecution. In it, Anderson requests that the district court reconsider its order of dismissal. Because the document requests reconsideration as the primary relief, and requests leave to appeal only in the alternative, it does not clearly evince an intent to appeal and cannot be treated as a notice of appeal. See id. Therefore, this court lacks appellate jurisdiction over Anderson's appeal. See Mosley, 813 F.2d at 660. Anderson's motion for leave to proceed in forma pauperis (IFP) on appeal is DENIED AS MOOT.

APPEAL DISMISSED.