

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Nos. 96-40220, 96-40221, 96-40223
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM LEE MUSGROVE,

Defendant-Appellant.

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Appeals from the United States District Court
for the Eastern District of Texas
USDC No. 4:93-CR-72-1
USDC No. 4:93-CR-76-1
USDC No. 4:93-CR-75
- - - - -
February 20, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

William Lee Musgrove was convicted, after entering a guilty plea, of two counts of possession with intent to distribute marijuana and one count of conspiracy to possess with intent to distribute marijuana. Musgrove's father, William A. Musgrove, purporting to act pursuant to a power of attorney, filed the present notice of appeal on Musgrove's behalf from an 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* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

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denying the "Affidavit of Fact" and "Judicial Writ of Habeas Corpus" filed in the district court.

This court must examine the basis of its jurisdiction on its own motion if necessary. United States v. Lister, 53 F.3d 66, 68 (5th Cir. 1995). A notice of appeal filed by a person who is not an attorney is ineffective to initiate an appeal as to any person who did not sign the notice. Smith v. White, 857 F.2d 1042, 1043 (5th Cir. 1988). See also Carter v. Stalder, 60 F.3d 238, 239 (5th Cir. 1995) (citing Mikeska v. Collins, 928 F.2d 126 (5th Cir. 1991) (per curiam) (opinion on rehearing)). Rule 3(c), Federal Rules of Appellate Procedure, does not permit Musgrove's father to file a notice of appeal on Musgrove's behalf because Musgrove's father is not a party to the case. Moreover, a power of attorney does not authorize a non-attorney to file legal documents on the behalf of others. Weber v. Garza, 570 F.2d 511, 513-14 (5th Cir. 1978). Accordingly, the notice of appeal is ineffective to confer appellate jurisdiction, and the appeal is dismissed for lack of jurisdiction.

APPEAL DISMISSED.