

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41091
Conference Calendar

RONALD J. HOLLEMAN,

Plaintiff-Appellant,

versus

WAYNE SCOTT; MILTON BROCK,
Assistant Warden; ALFRED JANICEK,
Field Major; LLOYD J. ASCHBERGER,
Physician Assistant, Estelle
Regional Medical Facility;
JAMES WARREN, Captain,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:96-CV-32

August 27, 1999

Before KING, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Ronald J. Holleman, Texas prisoner No. 297567, appeals the district court's dismissal of his 42 U.S.C. § 1983 prisoner civil rights claim after remand; the case was dismissed for lack of exhaustion. Holleman's outstanding motions are DENIED AS MOOT. This court, if necessary, must *sua sponte* examine the basis of

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

its jurisdiction. Williams v. Chater, 87 F.3d 702, 704 (5th Cir. 1996); Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). The only notice of appeal filed by Holleman was filed prior to final judgment and prior to the announcement of a final decision. Such premature notice is insufficient to invoke appellate jurisdiction. See FirstTier Mortgage Co. v. Investors Mortgage Ins. Co., 498 U.S. 269, 252-53 (1991); United States v. Cooper, 135 F.3d 960, 963 (5th Cir. 1998).

APPEAL DISMISSED FOR LACK OF JURISDICTION; ALL OUTSTANDING MOTIONS DENIED AS MOOT.