

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 2, 2017

Lyle W. Cayce
Clerk

No. 15-11219
Summary Calendar

JASON WALKER, also known as Jason Renard Walker, also known as
Jonathon Dotson, also known as Johnathon Dotson,

Plaintiff-Appellant

v.

RODNEY W. KILLOUGH, Correctional Officer IV,

Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:15-CV-178

Before STEWART, Chief Judge, and JOLLY and JONES, Circuit Judges.

PER CURIAM:*

Jason Walker, Texas prisoner # 1532092, proceeding pro se and in forma pauperis, filed a 42 U.S.C. § 1983 civil rights complaint against eight inmate medical care providers and three correctional officers. Walker alleged that the defendants were deliberately indifferent to his serious medical needs following the accidental administration to him of another inmate's medication. The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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district court dismissed the claims against most of the defendants for failure to state a claim, leaving pending only claims against medical aide Helen Kitchen and correctional officer Rodney W. Killough. After Walker filed an amended complaint asserting claims against only Kitchen, the district court sua sponte dismissed the claims against Killough for failure to prosecute. Walker now appeals that decision.

“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). Because Walker’s claims against Kitchen remain unadjudicated in the district court, we lack jurisdiction over this appeal. *See* 28 U.S.C. §§ 1291, 1292(a),(b); FED. R. CIV. P. 54(b); *Briargrove Shopping Ctr. Joint Venture v. Pilgrim Enters., Inc.*, 170 F.3d 536, 538-41 (5th Cir. 1999). Accordingly, the appeal is DISMISSED for lack of jurisdiction.