

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 26, 2021

Lyle W. Cayce
Clerk

No. 19-11273
Summary Calendar

RICHARD WARNER, *Joint Pro Se Plaintiff*,

Plaintiff—Appellant,

versus

UNITED STATES OF AMERICA,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CV-796

Before KING, SMITH, and WILSON, *Circuit Judges*.

PER CURIAM:*

Richard Warner, federal prisoner # 43448-177, along with 44 other inmates incarcerated at the Bureau of Prisons' Federal Medical Center in Fort Worth Texas, filed a civil lawsuit challenging the constitutionality of 18 U.S.C. § 3632(d)(4)(D). The district court sua sponte determined that

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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the Prison Litigation Reform Act of 1995 required each prisoner to file a separate complaint asserting his individual claims, as well as paying a filing fee. The district court, therefore, ordered Warner's complaint to continue and ordered the complaints of the other 44 inmates to be severed into separate actions. That order is the subject of this appeal.

“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 conclude that we lack appellate jurisdiction over the instant appeal because the district court's severance order is not a final, appealable decision, a qualifying interlocutory order, or a reviewable collateral order. *See* 28 U.S.C. §§ 1291, 1292; *Acevedo v. Allsup's Convenience Stores, Inc.*, 600 F.3d 516, 520 (5th Cir. 2010); *In re Lieb*, 915 F.2d 180, 184 (5th Cir. 1990). Accordingly, the appeal is DISMISSED for lack of jurisdiction.