

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 22, 2025

Lyle W. Cayce
Clerk

No. 25-30439

WESLEY SINCLAIR RICKS,

Plaintiff—Appellant,

versus

GARY WESTCOTT, *Secretary, Louisiana Department of Public Safety and Corrections*; DARREL VANNOY, *Warden, Louisiana State Penitentiary*; ZANE TUBBS, *Sheriff of Morehouse Parish, Louisiana*; JOHN SPIRES, *District Attorney of Morehouse Parish, Louisiana*; OTHERS NOT KNOWN,

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:25-CV-617

Before SOUTHWICK, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Wesley Sinclair Ricks, Louisiana prisoner # 499599, is barred under 28 U.S.C. § 1915(g) from proceeding in forma pauperis (IFP) in a civil action or proceeding unless he shows that he is in imminent danger of serious physical injury. He filed a 42 U.S.C. § 1983 complaint challenging the

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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validity of his state criminal conviction. After the magistrate judge denied him leave to proceed IFP, Ricks filed an appeal to this court. Although the district court later dismissed the complaint without prejudice after Ricks failed to pay the filing fee, no subsequent notice of appeal was filed. Ricks now seeks leave to proceed IFP on his appeal of the magistrate judge's order.

We must examine the basis of our jurisdiction, sua sponte if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). "The courts of appeals . . . have jurisdiction of appeals from all final decisions of the district courts of the United States." 28 U.S.C. § 1291. Accordingly, unless the parties have consented to proceed before a magistrate judge, "appellate courts are without jurisdiction to hear appeals directly from federal magistrates." *United States v. Renfro*, 620 F.2d 497, 500 (5th Cir. 1980); see *Donaldson v. Ducote*, 373 F.3d 622, 624 (5th Cir. 2004). There is no evidence that Ricks consented to proceed before the magistrate judge. See *Donaldson*, 373 F.3d at 624. Accordingly, the motion to proceed IFP is DENIED, and the appeal is DISMISSED for lack of jurisdiction. See *id.*; *Renfro*, 620 F.2d at 500.

In a previous § 1983 action, Ricks filed an appeal from the magistrate judge's denial of leave to proceed IFP and was advised that this court lacks jurisdiction over the rulings of magistrate judges. *Ricks v. Louisiana*, No. 23-30453, 2023 WL 6807037, 1 (5th Cir. Oct. 16, 2023) (unpublished). Despite that ruling, he has again sought to appeal the ruling of a magistrate judge directly to this court. Ricks is WARNED that future attempts to appeal rulings from a magistrate judge directly to this court, if the parties have not consented to proceed before the magistrate judge, may result in sanctions, which may include monetary penalties or restrictions on his ability to file pleadings in this court.