

United States Court of Appeals for the Fifth Circuit

No. 26-10240
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 29, 2026

Thomas B. Plunkett, III
Clerk

ROBERT LEON DONALDSON,

Plaintiff—Appellant,

versus

HILAND DAIRY; BORDEN DAIRY; LANORA WYATT; NATE
GLOSSER; MICHAEL GREEN,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:25-CV-2649

Before RICHMAN, DUNCAN, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Robert Leon Donaldson filed a pro se complaint raising employment discrimination claims under Title VII of the Civil Rights Act of 1964. Before the district court entered an order and judgment dismissing his complaint, Donaldson filed an appeal of the magistrate judge's order denying his motion for relief from the automatic stay and permission to file a proof of claim and

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

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the magistrate judge's report recommending that his complaint be dismissed. Donaldson now seeks leave to proceed IFP on his appeal of the magistrate judge's order and report.

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). Furthermore, unless otherwise authorized, a magistrate judge's report and recommendation does not constitute a final decision by the district court and is thus not appealable under 28 U.S.C. § 1291. *Trufant v. Autocon, Inc.*, 729 F.2d 308, 309 (5th Cir. 1984).

There is no evidence that Donaldson 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.*; *Trufant*, 729 F.2d at 309; *Renfro*, 620 F.2d at 500. Donaldson's motion for equitable tolling is likewise DENIED.