

February 10, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50603
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALBERTO TOMAS YOUNGBLOOD,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:02-CR-86-ALL

Before GARWOOD, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Alberto Youngblood appeals from the district court's order denying his motion to dismiss the Government's request for discovery and directing Youngblood to answer the Government's discovery.

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. 1997). Orders directing or denying discovery are not final decisions within the meaning of 28 U.S.C. § 1291 and are not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appealable except under limited circumstances not presented in this case. See Branch v. Phillips Petroleum Co., 638 F.2d 873, 877-78 (5th Cir. 1981).

APPEAL DISMISSED.