

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

United States Court of Appeals
Fifth Circuit

FILED

November 15, 2010

Lyle W. Cayce
Clerk

No. 09-60672
Summary Calendar

WILLIAM H. OLIVER,

Plaintiff - Appellant

v.

BANKFIRST; BILL SKINNER,

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 4:09-CV-29

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

William H. Oliver moves for leave to proceed in forma pauperis (IFP) on appeal following the dismissal of his claims against the two defendants in his civil action. "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)(citation omitted). Defendant Bill Skinner's counterclaim against Oliver remains pending in the district court; we therefore lack jurisdiction over Oliver's appeal. *See* 28 U.S.C. §§ 1291, 1292(a), (b); FED. R. CIV. P. 54(b).

IFP DENIED. APPEAL DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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