

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20685
No. 95-20839
No. 96-20314

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BEN EARSAL SALISBURY,

Defendant-Appellant.

- - - - -
Appeals from the United States District Court
for the Southern District of Texas
USDC No. CR-H-95-19
- - - - -

August 28, 1996

Before KING, STEWART and PARKER, Circuit Judges.

PER CURIAM:*

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). In these criminal proceedings, Ben Earsal Salisbury has appealed the district court's denial of various pre-trial motions, the district court's declaration of a mistrial, and the district court's determination that he is incompetent to stand

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

trial at this time. Salisbury's appellate briefs do not comply with Fed. R. App. P. 28. Grant v. Cuellar, 59 F.3d 523, 524 (5th Cir. 1995). The order denying Salisbury's pre-trial motions is not an appealable order. Flanagan v. United States 465 U.S. 2592, 263 (1984). The order determining Salisbury's competency to stand trial is also not an appealable order. See United States v. Eicke, No. 95-10433 (5th Cir. Aug. 15, 1995)(unpublished).

Salisbury also appeals the district court's order granting a mistrial. He argues that the district court judge was prejudiced against him because he was appointed by President Bush. A reasonable person would not have a rational basis for questioning the judge's impartiality during the trial solely because he was appointed by President Bush. See United States v. Devine, 934 F.2d 1325, 1348 (5th Cir. 1991), cert. denied, 502 U.S. 1065 (1992).

APPEAL DISMISSED.