

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50216
Conference Calendar

STATE OF TEXAS; COUNTY OF EL PASO,

Plaintiffs-Appellees,

versus

PAUL JAMES KOUMJIAN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-96-CR-125-ALL
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Paul James Koumjian, Texas prisoner #582874, has filed a motion for a certificate of probable cause/certificate of appealability and a motion to proceed in forma pauperis. 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). Koumjian's appeal must be dismissed for lack of

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

jurisdiction, as the district court's order remanding the case to the state court from which it was removed is not reviewable on appeal. See Johnson v. Mississippi, 421 U.S. 213, 219 (1975).

The motions are DENIED.

We caution Koumjian that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Koumjian is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

DISMISSED.