

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20781
Conference Calendar

MICHAEL JOSEPH DERROW,

Plaintiff-Appellant,

versus

JOHN MALCOLM BALES ET AL.,

Defendants,

JOHN MALCOLM BALES,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CV-380

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

We must examine the basis of our jurisdiction, on our own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987).

A plaintiff who successfully moves for voluntary dismissal without prejudice cannot appeal the district court's order granting the same. See LeCompte v. Mr. Chip, Inc., 528 F.2d 601, 603 (5th Cir. 1976). Because the district court granted the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion of Michael Joseph Derrrow, federal inmate #03199-286, which sought voluntary dismissal of the complaint so that Derrrow would not be burdened with the \$150 filing fee, there is nothing for Derrrow to appeal. See id.

APPEAL DISMISSED.