

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED

FEB - 4 1999

LORETTA G. WHYTE
CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-31417
USDC No. 2:98-CV-1792 c/w 2:98-CV-2102

U.S. COURT OF APPEALS

FILED

FEB 02 1999

CHARLES R. FULBRUGE III
CLERK

CARL BERNOFSKY, DR.

Plaintiff-Appellant,

versus

ADMINISTRATORS OF THE TULANE
EDUCATIONAL FUND, Tulane
University Medical School,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana

Before REYNALDO G. GARZA, DAVIS, and PARKER, Circuit Judges.

BY THE COURT:

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 this employment discrimination case, the plaintiff has filed a notice of appeal from an order of the district court denying the plaintiff's motion for recusal of the district judge.

Federal appellate courts have jurisdiction over appeals only from (1) final orders, 28 U.S.C. § 1291; (2) orders that are deemed final due to jurisprudential exception or which can be properly certified as final pursuant to Fed. R. Civ. P. 54(b); and (3) interlocutory orders that fall into specific classes, 28 U.S.C. § 1292(a), or which can be properly certified for appeal by the district court, 28 U.S.C. § 1292(b). See Dardar v.

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Lafourche Realty Co., 849 F.2d 955, 957 (5th Cir. 1988); Save the Bay, Inc. v. United States Army, 639 F.2d 1100, 1102 (5th Cir. 1981). An order denying a motion to recuse is not immediately appealable. Nobby Lobby, Inc. v. City of Dallas, 970 F.2d 82, 85 & n.3 (5th Cir. 1992).

APPEAL DISMISSED.

A true copy
Test

Clerk, U. S. Court of Appeals, Fifth Circuit

By LaTonya Grant

Deputy

FEB 2 1999

New Orleans, Louisiana

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FEB - 1 1999
CHARLES R. FULBRUGE III
CLERK

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEPUTY CLERK

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

TEL. 504-589-6514
600 CAMP STREET
NEW ORLEANS, LA 70130

February 2, 1999

Ms Loretta Whyte, Clerk
Eastern District of Louisiana, New Orleans
United States District Court
500 Camp Street
Room C-151
New Orleans, LA 70130

No. 98-31417 Bernofsky v. Admin of Tulane Ed
USDC No. 98-CV-1792-C
98-CV-2102

Enclosed is a certified copy of the judgment issued as the mandate.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: LaTonya Grant
LaTonya Grant, Deputy Clerk

cc: w/encl:
Mr Roger Dale Phipps
Ms Julie Durel Livaudais

MDT-1