

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

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. 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.