

United States Court of Appeals for the Fifth Circuit

No. 24-40542
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 20, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CLARENCE ROLAND,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:17-CR-177-2

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Clarence Roland seeks appointment of counsel in this appeal of the denial of his motion for reconsideration of an order dismissing a criminal indictment and superseding indictment against him without prejudice. Because we lack jurisdiction, we dismiss the appeal.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 24-40542

We must examine our jurisdiction *sua sponte*. *See Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The order dismissing the indictment and superseding indictment without prejudice is not an appealable final judgment under 28 U.S.C. § 1291. *See United States v. Day*, 806 F.2d 1240, 1242 (5th Cir. 1986); *see also United States v. Martin*, 682 F.2d 506, 507-08 (5th Cir. 1982). The order denying Roland’s motion for reconsideration of that order is not an appealable order for the same reasons. *See Zimmerman v. Int’l Cos. & Consulting, Inc.*, 107 F.3d 344, 347 (5th Cir. 1997), *abrogated on other grounds by Arthur Andersen LLP v. Carlisle*, 556 U.S. 624 (2009). Thus, we lack jurisdiction over the appeal. Accordingly, the appeal is DISMISSED, and the motion for appointment of counsel is DENIED.