

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 16-60677

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DANIELLE CHATMAN,  
Plaintiff - Appellant

A True Copy  
Certified order issued Feb 22, 2017

*Styl W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

v.

JIMMY GRAY CHEVROLET, INCORPORATED; JOHN DOES 1-10,  
Defendants - Appellees

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Appeal from the United States District Court for the  
Northern District of Mississippi, Oxford  
USDC No. 3:16-CV-8

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Before CLEMENT, OWEN, and COSTA, Circuit Judges.

PER CURIAM:

The plaintiff filed this personal injury case. The defendants moved to compel arbitration, relying on an arbitration paragraph in the sales agreement. The district court granted the motion, ordered the parties to submit to arbitration, stayed the remainder of the case, pending the completion of arbitration. The plaintiff filed a notice of appeal from the district court's order.

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Here, in addition to compelling arbitration, the district court stayed the rest of

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the case pending determination of whether the claims at issue are arbitrable. By entering a stay and allowing for reactivation of the case, the district court demonstrated that it was postponing, not terminating, the proceedings. Thus, the order compelling arbitration is not a final appealable order over which this court has jurisdiction. *Green Tree Fin. Corp. - Ala. v. Randolph*, 531 U.S. 79, 87 n.2 (2000); *South Louisiana Cement, Inc. v. Van Aalst Bulk Handling, B.V.*, 383 F.3d 297, 300 (5th Cir. 2004). Because we lack jurisdiction over the appeal, it must be dismissed.

IT IS SO ORDERED.