

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 17-50144

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YVETTE HOBZEK,

Plaintiff - Appellant

v.

HOMEAWAY.COM, INCORPORATED; VRBO.COM, INCORPORATED;  
EXPEDIA, INCORPORATED,

Defendants - Appellees

A True Copy

Certified order issued Jun 21, 2017

*Steph W. Coyle*

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

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Appeal from the United States District Court for the  
Western District of Texas, Austin  
USDC No. 1:16-CV-1058

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Before REAVLEY, DENNIS, and HIGGINSON, Circuit Judges.

PER CURIAM:

The plaintiff filed this civil rights case. The defendants moved to compel arbitration, relying on an arbitration paragraph in the terms and conditions stated in the electronic contract. The district court granted the motion, ordered the parties to submit to arbitration, stayed the remainder of the case, and asked that the parties file status reports regarding the arbitration proceedings with the district court every ninety days. The plaintiff filed a notice of appeal from the court's order.

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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 the case and ordered status reports every ninety days. It expressly stated that the case was stayed pending a decision by the arbitrator. 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. See *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, 300-01 (5th Cir. 2004). Because we lack jurisdiction over the appeal, it must be dismissed.

IT IS SO ORDERED.