

December 2, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-40634  
Summary Calendar

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JORGE REYES,

Plaintiff-Appellant,

versus

GARY L. JOHNSON; JOE D. CRAWFORD, M.D.; S. LOFTON, Physician's  
Assistant; TODDY A. FOXWORTH; JESSE WICKS, Assistant Warden  
JERRY LEVISTON, Staff Nurse; BRENDA JENKINS, Assistant  
Nurse; CONNIE JUSTICE, Clerk II,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:03-CV-543-WMS-JKG  
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Before GARWOOD, JOLLY, and JONES, Circuit Judges.

PER CURIAM:\*

Jorge Reyes attempts to appeal in a civil rights action filed pursuant to 42 U.S.C. § 1983. The magistrate judge entered a written report recommending that Reyes' complaint be dismissed. Reyes filed a notice of appeal after the magistrate judge issued his recommendation but before any decision was announced by the district court. Reyes' premature notice of appeal was ineffective to invoke the jurisdiction of this court. See United

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

States v. Cooper, 135 F.3d 960, 961 (5th Cir. 1998); see also  
Trufant v. Autocon, Inc., 729 F.2d 308, 309 (5th Cir.1984). The  
appeal is DISMISSED.