

**FILED**

September 5, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 02-60942  
Summary Calendar

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DIANNE BOLEN; THEROLD BOLEN,

Plaintiffs-Appellants,

versus

MISSISSIPPI ADMINISTRATIVE SERVICES, INC.,

Defendant-Appellee.

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Appeal from the United States District Court for  
the Northern District of Texas  
(USDC No. 1-02-CV-152)

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Before REAVLEY, JOLLY and DENNIS, Circuit Judges.

PER CURIAM:\*

The district court entered an order under 28 U.S.C. § 1292(b) granting appellants' motion for permission to appeal the court's interlocutory order denying their motion to

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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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

remand. Appellants did not file with this court a request for permissive appeal within ten days of the district court's § 1292(b) order, as required by Fed. R. App. P. 5. We therefore lack appellate jurisdiction, and must dismiss this appeal. See Aucoin v. Matador Servs., Inc., 749 F.2d 1180 (5th Cir. 1985). Appellants ask that the rules be suspended under Fed. R. App. P. 2, but Rule 2 provides that the rules may be suspended "except as otherwise provided in Rule 26(b)," and Fed. R. App. P. 26(b) provides that we may not extend the time for filing a petition for permission to appeal.

DISMISSED.