

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-11240

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FRANKIE MATHIS, on behalf of Brandie Mathis, on behalf of Andre Ramel Mathis, on behalf of Brittney Mathis, on behalf of Chester Andre Mathis, Individually and as next friend of Brandie Mathis, Andre Ramel Mathis, and Brittney Mathis, Minors, and as Personal Representative of the Estate of Chester Andre Mathis, Deceased

Plaintiff-Appellee,

v.

KEVIN D DAVIS, Individually

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
3:95-CV-477-D

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July 28, 1997

Before KING, DUHÉ, and WIENER, Circuit Judges.

PER CURIAM:\*

After carefully reviewing the record and the district court's order denying summary judgment in this case, we conclude that we lack jurisdiction to hear the appeal because there are genuine issues of material fact. Johnson v. Jones, 115 S. Ct. 2151 (1996). Therefore, we DISMISS the appeal for lack of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

jurisdiction.