

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20661  
Summary Calendar

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NOEL C. ALLEN, Individually and  
on behalf of the Estate of Travis  
O'Neill Allen; REBECCA O'NEILL ALLEN,

Plaintiffs-Appellees,

versus

MICHAEL LEAL ET AL.,

Defendants,

MICHAEL LEAL; CARLE UPSHAW,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-97-CV-0030  
- - - - -

April 21, 1998

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Defendants Leal and Upshaw appeal from the district court's denial of their motion for summary judgment based upon qualified immunity. They argue that the district court erred by denying their summary-judgment motion and that this court has jurisdiction over the interlocutory appeal. Because there is a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

significant fact-related dispute, however, this court does not have jurisdiction to review the denial of the motion for summary judgment. See Johnson v. Jones, 515 U.S. 304, 313 (1995).

APPEAL DISMISSED.