

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30487

RALPH ABRAHAM, M.D.;
RANDY W. HEAD, M.D.; and,
RON MORGAN, M.D.;

Plaintiffs-Appellees-Appellants,

v.

RICHLAND PARISH HOSPITAL SERVICE DISTRICT 1-B,
D/B/A RICHLAND PARISH MEDICAL CENTER; and,
DAVID KERVIN;

Defendants-Appellees,

AND

ROBERT MADDOX, M.D.; and,
SPECTRUM EMERGENCY CARE, INC.;

Defendants-Appellants

Appeal from the United States District Court
for the Western District of Louisiana
(97-CV-760)

May 10, 1999

Before JONES, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

In light of the court's recent en banc decision in Surgical Care Ctr. v. Hospital Serv. Dist. No. 1, No. 97-30887, 1999 WL 163430 (5th Cir. Mar. 24, 1999), Richland Parish Hospital Service District 1-B and David Kervin are not entitled to Parker

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

immunity from antitrust liability. Accordingly, the district court's contrary judgment must be reversed and remanded for proceedings consistent with Surgical Care. Further, the appeal filed by Dr. Robert Maddox and Spectrum Emergency Care, Inc., challenging the district court's denial of immunity to them must be dismissed, as it involves an interlocutory, non-final order.

REVERSED AND REMANDED IN PART; DISMISSED IN PART.