

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 6, 2008

No. 07-50957
Summary Calendar

Charles R. Fulbruge III
Clerk

PASCUAL Q. OLIBAS
d/b/a FREEDOM BAIL BONDS

Plaintiff-Appellee

v.
SHERIFF ARNULFO GOMEZ

Defendant-Appellant

Appeal from the United States United States District Court
for the Western District of Texas, El Paso
3:05-CV-225

Before WIENER, GARZA, and BENAVIDES, Circuit Judges..

PER CURIAM:*

Plaintiff-Appellee Pascual Q. Olibas, joined by his wife Cheryl Olibas, individually and doing business as Freedom Bail Bonds sued, inter alia, Sheriff Arnulfo Gomez of Reeves County, Texas pursuant to 42 U.S.C. § 1983 and the Texas Constitution, alleging constitutional wrongs. Sheriff Gomez filed a motion for summary judgment seeking dismissal grounded in qualified and official immunity. The district court denied qualified immunity in an Order signed July

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

27, 2007 in which the court accepted the Report and Recommendation of the magistrate-judge who had, in an exhaustive analysis of the situation, recommended denial of qualified immunity because the summary judgment evidence demonstrated the existence of factual disputes as to whether Sheriff Gomez acted with objective reasonableness, thereby preventing summary judgment on immunity. It is well settled that an appeal of an interlocutory ruling denying qualified immunity because of the existence of factual disputes does not present an exception to our lack of jurisdiction to hear appeals of interlocutory rulings. As that is the situation presented by this appeal, we do not have jurisdiction to hear Sheriff Gomez's appeal of the district court's denial of qualified immunity at this non-final stage of the proceedings in the district court.

For lack of appellate jurisdiction, this appeal is
DISMISSED.