IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT United States Court United Sta

United States Court of Appeals Fifth Circuit

FILED

March 18, 2008

No. 07-30779 Summary Calendar

Charles R. Fulbruge III
Clerk

ALFRED MCZEAL, SR

Plaintiff - Appellant

V.

SOUTHERN CONSUMERS COOPERATIVE INC; PEOPLES ENTERPRISES INC; SOUTHERN DEVELOPMENT FOUNDATION INC; JOHN FREEMAN; ALBERT J MCKNIGHT; HOWARD MCZEAL; JOHN BESS; BIPIN PANDYA; DOES 1-40

Defendants - Appellees

Appeal from the United States United States District Court for the Western District of Louisiana, Lafayette

Before JOLLY, DENNIS, and PRADO, Circuit Judges..
PER CURIAM:*

Alfred McZeal, Sr., pro se, appeals a "Judgment" of the district court in which the district court, adopting a magistrate judge's recommendation, denied McZeal's motion for judgment on the pleadings or for summary judgment as premature. McZeal asserts that this court has jurisdiction over this interlocutory appeal pursuant to 28 U.S.C. § 1292(b). That section authorizes

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

this court, in its discretion, to permit an appeal of an interlocutory order, if the district judge certifies that the order "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation."

The district court did not make any of the findings specified in § 1292(b), and there is no other basis for our jurisdiction to review the district court's interlocutory order. Accordingly, the appeal is DISMISSED for lack of jurisdiction.