

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-10359
Summary Calendar

ALONZO JOHNSON,

Plaintiff-Appellee,

versus

SAMUEL HERNANDEZ;
STEVEN P. GROSS,

Defendants-Appellants.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:99-CV-1218

September 18, 2001

Before JOLLY, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Appellants seek review of the district court's denial of their motion for summary judgment on the issue of qualified immunity. Factual issues precluded the district court from granting this motion with respect to the appellee's excessive force claim. Accordingly, we are without jurisdiction to entertain this appeal. See Colston v. Barnhart, 130 F.3d 96, 98 (5th Cir. 1997).

APPEAL DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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