

**March 24, 2004**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-10812  
Summary Calendar

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CARDELL RHETT, JR.,

Plaintiff-Appellee,

versus

WAYNE SCOTT; ET AL.,

Defendants,

T. REVELL; NFN GONZALEZ,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:96-CV-114  
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Before SMITH, DUHÉ, and WIENER, Circuit Judges.

PER CURIAM:<sup>1</sup>

Dr. William Gonzalez and Dr. Tim Revell appeal from the district court's denial of their motion for summary judgment in Cardell Rhett, Jr.'s 42 U.S.C. § 1983 action. The district court determined that Rhett had produced sufficient evidence to create a genuine issue of material fact regarding deliberate indifference to

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<sup>1</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

his serious medical needs. We lack jurisdiction to review the district court's determination. *Nerren v. Livingston Police Dep't*, 86 F.3d 469, 472 (5th Cir. 1999).

APPEAL DISMISSED.