

FILED

February 7, 2006

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-30128

In The Matter Of: Lucas James Desselle
Debtor

LUCAS JAMES DESSELLE,

Appellee,

v.

COTTONPORT BANK,

Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
1:04-CV-1573

Before GARWOOD, BENAVIDES, and OWEN, Circuit Judges.

PER CURIAM:*

The Appellant asks whether the district court properly granted a motion to withdraw the reference, transferring this case from the bankruptcy court to the district court. This Court has held that a district court's decision to withdraw a reference is not an

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 R. 47.5, this Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appealable final judgment. *In re Lieb*, 915 F.2d 180, 184 (5th Cir. 1990). We also held that an order granting or denying a motion to withdraw does not constitute a "collateral order," a narrow exception to the final judgment rule. *Id.* *In re Lieb* remains the rule in this circuit. See, e.g., *Harvey Specialty & Supply, Inc. v. Anson Flowline Equip. Inc.*, ___ F.3d ___, n.18, 2005 WL 3472133 (5th Cir. Dec. 20, 2005) (citing *In re Lieb* and its holding that "a transfer order is not a final judgment and is not immediately appealable").

The Appellant mistakenly relies on *In re Aegis Specialty Marketing Inc. of Alabama*, 78 F.3d 919 (5th Cir. 1995). *In re Aegis* refers to the finality of a district court order when that court sits as a court of appeal in bankruptcy. *Id.* at 921. That is not the issue in the present case, as seen by the district court's order withdrawing the reference.

For these reasons we do not have jurisdiction to hear this appeal. Therefore, it is DISMISSED.