

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 6, 2012

Lyle W. Cayce
Clerk

No. 10-50877
Summary Calendar

RANDY ORTEGA,

Appellee

v.

PETER VICTOR AYIKA,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:09-CR-660-1

Before WIENER, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Peter Victor Ayika appeals the district court's order denying him a return of a portion of attorney's fees he paid to his former counsel, Randy Ortega. As we lack jurisdiction, we dismiss the appeal.

The ruling in this case is appealable only if it meets the requirements of the collateral order doctrine. *See Flanagan v. United States*, 465 U.S. 259, 263-64 (1984). We conclude that the order denying return of attorney's fees is not effectively unreviewable on appeal from a final judgment, and Ayika has made

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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no showing to the contrary. *See id.* at 266-67; *Shipes v. Trinity Indus., Inc.*, 883 F.2d 339, 344 (5th Cir. 1989). We do not reach Ortega's alternative argument that the appeal should be dismissed as untimely.

The appeal is DISMISSED for lack of jurisdiction.