

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

\_\_\_\_\_  
No. 13-20756  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

February 12, 2015

Lyle W. Cayce  
Clerk

KAREN ECHOLS, Individually and as Representative  
of the Estate of John T. Barnes; JOHN A. BARNES;  
APRIL GAY PHILLIPS, as next friend CDB and JTB,

Plaintiffs - Appellees Cross-Appellants

v.

RYAN GARDINER, in His Official Capacity,

Defendant - Appellant

CITY OF HOUSTON; HAYDEN PROPERTIES, L.L.C.;  
JS PROPERTY MANAGEMENT, INCORPORATED;  
WOODLAND HILLS VILLAGE APARTMENT HOMES,

Defendants - Cross-Appellees

\_\_\_\_\_  
Appeals from the United States District Court  
for the Southern District of Texas  
USDC No. 4:11-CV-882  
\_\_\_\_\_

Before REAVLEY, JONES, and ELROD, Circuit Judges.

PER CURIAM:\*

The court has carefully reviewed these appeals in light of the briefs, oral argument, the district court's conscientious opinion, and pertinent portions of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-20756

the record. Having done so, we conclude that genuine, material disputed fact issues deprive us of appellate jurisdiction over the interlocutory qualified immunity appeal of Officer Gardiner.

Further, we find no reversible error of fact or law in the court's opinion relating to the liability of the City of Houston and the apartment complex appellees, and therefore affirm the summary judgment in their favor for essentially the reasons stated by the trial court.

The appeal of Ryan Gardiner is **DISMISSED**; Judgment in favor of the City of Houston, Hayden Properties, L.L.C., JS Property Management, Inc. and Woodland Hills Village Apartment Homes is **AFFIRMED**.