

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

No. 18-10967

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2019

Lyle W. Cayce
Clerk

ROCKY HILL,

Petitioner-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:18-CV-77

Before JONES, ELROD, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Rocky Hill, Texas prisoner # 1596897, appeals an interlocutory order by the district court in his 28 U.S.C. § 2254 case. The district court denied a motion for appointment of counsel and directed Hill to file any claims challenging the conditions of his confinement in a separate action under 42 U.S.C. § 1983. Hill's motion for a certificate of appealability (COA) is DENIED because a COA is unnecessary. *See* 28 U.S.C. § 2253(c)(1)(A);

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Harbison v. Bell, 556 U.S. 180, 183 (2009). The appeal is DISMISSED because we lack jurisdiction to review the non-final order. See *Grace v. Vannoy*, 826 F.3d 813, 815-16 (5th Cir. 2016); *Thomas v. Scott*, 47 F.3d 713, 714-15 (5th Cir. 1995); *Askanase v. Livingwell, Inc.*, 981 F.2d 807, 809-10 (5th Cir. 1993).