

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

United States Court of Appeals  
Fifth Circuit

**FILED**

December 20, 2019

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 19-50542  
\_\_\_\_\_

DAVID H. MCCALLISTER,

Plaintiff-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION; TEXAS DEPARTMENT OF CRIMINAL JUSTICE; CORRECTIONAL INSTITUTION DIVISION DIRECTOR; UNIVERSITY OF TEXAS MEDICAL BRANCH INSTITUTION DIVISION; DIRECTOR'S MEDICAL AND DENTAL DEPARTMENT; JOHN DOE,

Defendants-Appellees

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:16-CV-32  
\_\_\_\_\_

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:\*

David H. McCallister, Texas prisoner # 1666170, has moved to dismiss without prejudice his interlocutory appeal from the magistrate judge's denial of his motion for appointment of counsel and a guardian ad litem in his civil

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-50542

rights action. Because the parties did not consent to proceed before the magistrate judge pursuant to 18 U.S.C. § 636(c)(1), we lack jurisdiction to consider this appeal. See *Donaldson v. Ducote*, 373 F.3d 622, 624 (5th Cir. 2004); *United States v. Renfro*, 620 F.2d 497, 500 (5th Cir. 1980). Accordingly, we GRANT the motion and DISMISS the appeal WITHOUT PREJUDICE.