

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-5182  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN R. JACKSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 91-10008-01  
- - - - -

Jun 24, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:\*

John R. Jackson appeals the district court's dismissal without prejudice of the indictment against him. A dismissal without prejudice is not a "final judgment" for purposes of 28 U.S.C. § 1291 and ordinarily does not fall within the collateral order exception. Appellate review of a dismissal without prejudice must therefore await a final judgment entered after reindictment. See United States v. Welborn, 849 F.2d 980, 984 n.3 (5th Cir. 1988)(quoting United States v. Day, 806 F.2d 1240, 1242 n.8 (5th Cir. 1986)). The appeal is DISMISSED.

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.