

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-31168
Summary Calendar

DALE BATISTE; REGINALD DAVIS;
HERMAN WASHINGTON, JR.,

Plaintiffs-Appellees,

versus

COLONIAL SUGARS, INC. (of Delaware) ET AL.,

Defendants,

and

WILLIE MARTIN and JOSEPH S. NASSAR,

Defendants-Appellants.

Appeal from the United States District Court for the
Eastern District of Louisiana
USDC No. 92-CV-3513-L

October 25, 1996
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Sheriff Willie Martin and former Sheriff Joseph Nassar appeal from the denial of their motion for summary judgment. They contend

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

that we have jurisdiction over their appeal and contend that the district court erred by denying their motion.

Sheriff Martin was sued in his official capacity only. We lack jurisdiction over his appeal from the denial of summary judgment. Aldy v. Valmet Paper Machinery, 74 F.3d 72, 75 (5th Cir. 1996); see Burns-Toole v. Byrne, 11 F.3d 1270, 1273 (5th Cir.), cert. denied, 114 S.Ct. 2680 (1994).

Regarding Nassar, the district court rejected his qualified immunity contention because it found genuine issues of material fact regarding Nassar's oversight of the investigation that resulted in the plaintiffs' arrests and the training of Nassar's subordinates. We lack jurisdiction to review the denial of summary judgment. Johnson v. Jones, 115 S.Ct. 2151, 2159 (1995).

APPEAL DISMISSED.