

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-00143  
Conference Calendar

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BENJAMIN FORSYTHE,

Plaintiff-Petitioner,

versus

JAMES A. COLLINS ET AL.,

Defendants-Respondents.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-94-CA-079  
- - - - -

October 25, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

Benjamin Forsythe, #521748, petitions this court for permission to file an interlocutory appeal of the district court's order granting partial summary judgment in favor of the defendants in Forsythe's civil rights complaint brought pursuant to 42 U.S.C. § 1983. Subsequent to filing his petition in this court, Forsythe moved in the district court to have his complaint withdrawn. In light of the district court's order granting Forsythe's motion and dismissing his complaint, Forsythe's

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

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interlocutory appeal is DENIED and this case is DISMISSED for want of jurisdiction.