

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40879
Summary Calendar

DOROTHY BEAMER,

Plaintiff-Appellee,

versus

JERRY POWELL,
Dep't of Public Safety Officer,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:95-CV-803
- - - - -

June 30, 1997

Before DAVIS, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

Texas Department of Public Safety Trooper Jerry Powell appeals the district court's denial of his motion for summary judgment based on qualified and official immunity in Plaintiff's 42 U.S.C. § 1983 action.

The denial of summary judgment generally is not an appealable order. Aldy v. Valmet Paper Mach., 74 F.3d 72, 75

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(5th Cir. 1996), cert. denied, 117 S. Ct. 68 (1997). Denial of summary judgment in the context of qualified immunity is appealable to the extent that it turns on an issue of law. Johnson v. Jones, 115 S. Ct. 2151, 2155 (1995). This court does not have appellate jurisdiction over the district court's denial of Powell's motion for summary judgment because there is a "significant fact-related dispute," namely whether Powell acted reasonably in arresting Beamer. See Hale v. Townley, 45 F.3d 914, 918-919 (5th Cir. 1995).

APPEAL DISMISSED.