

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-31103  
Summary Calendar

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MARION BURTON; SANDRA BURTON,

Plaintiffs-Appellees,

versus

CITY OF HAMMOND; POLICE CHIEF, for the City of Hammond;  
JAMES BANKS, JR., Officer,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 95-CV-2096  
- - - - -

December 8, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

James Banks, Jr., the City of Hammond ("the City"), and the Police Chief of Hammond ("the Chief") appeal from the denial of their motion for summary judgment in the civil-rights action brought by Marion and Sandra Burton. The defendants argue that the district court erred by denying their summary-judgment motion on the merits of their qualified-immunity defense and the merits of their argument against the liability of the City and the Chief.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We must determine the basis of our jurisdiction, on our own motion, if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The district court rejected Banks's qualified-immunity defense on the grounds that he had failed to show that his actions were objectively reasonable on the facts before the court; we have jurisdiction over Banks's appeal from the denial of summary judgment on qualified immunity. *Naylor v. Louisiana*, 127 F.3d 855, 857 (5th Cir. 1997). With the sole exception of the qualified-immunity defense, the district court's order denying summary judgment is a nonappealable interlocutory order. We therefore lack jurisdiction to review the defendants' contentions apart from qualified immunity, and we dismiss the appeal except for that portion of the appeal addressing qualified immunity.

Regarding the qualified immunity defense, we have reviewed the record and the briefs of the parties and we have found no reversible error. Accordingly, we affirm for essentially the reasons stated by the district court at the hearing held in conjunction with the order denying summary judgment. *See Burton v. Hammond*, No. 95-CV-2096 (E.D. La. Sep. 19, 1997).

APPEAL DISMISSED IN PART; AFFIRMED IN PART.