

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 12, 2009

Charles R. Fulbruge III
Clerk

No. 08-30121
Summary Calendar

RICKEY BARNES

Plaintiff - Appellee

v.

JASON GIROIR; TERRY SHARP; JOSEPH WESTBROOK

Defendants - Appellants

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:03-CV-83

Before SMITH, STEWART, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The defendants appeal the district court's denial of summary judgment. Defendants sought summary judgment based in part on qualified immunity. Where the district court has denied summary judgment on the ground that material issues of fact exist as to the plaintiff's claims, this court lacks jurisdiction to review the court's determination that a genuine fact issue exists. *Ramirez v. Knoulton*, 542 F.3d 124, 127-28 (5th Cir. 2008) (citations omitted).

Appeal DISMISSED for lack of jurisdiction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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