

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 29, 2011

Lyle W. Cayce
Clerk

No. 10-31003
Summary Calendar

LONNIE POYDRAS,

Plaintiff-Appellant

v.

MICHAEL J JEFFERSON,

Defendant-Appellee

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:10-CV-324

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:*

Lonnie Poydras, Louisiana prisoner # 42058, filed a 42 U.S.C. § 1983 complaint against the City of Baton Rouge, Baton Rouge City Police Officers Christopher Wheat and Donald Johnson, and Assistant United States Attorney (AUSA) Michael J. Jefferson, alleging that he was subjected to a false arrest and malicious prosecution. The district court determined that AUSA Jefferson was entitled to absolute immunity and dismissed the malicious prosecution claim

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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against him as frivolous. The district court docket sheet reflects that claims remain pending against the other defendants.

Because the district court dismissed some but not all claims and defendants, we must sua sponte examine whether we have jurisdiction to consider the appeal. *See Martin v. Halliburton*, 618 F.3d 476, 481 (5th Cir. 2010). We have jurisdiction over appeals from (1) final orders pursuant to 28 U.S.C. § 1291; (2) orders that are deemed final due to a jurisprudential exception, such as the collateral order doctrine; (3) interlocutory orders specified in 28 U.S.C. § 1292(a); and (4) interlocutory orders that are properly certified for appeal by the district court pursuant to Federal Rule of Civil Procedure 54(b) or § 1292(b). *Dardar v. Lafourche Realty Co.*, 849 F.2d 955, 957 (5th Cir. 1988); *Save the Bay, Inc. v. U.S. Army*, 639 F.2d 1100, 1102 & n.3 (5th Cir. 1981). Because the order from which Poydras appeals does not fall within any of these categories, we lack jurisdiction to consider the appeal, and the appeal is DISMISSED. Poydras's motion for leave to proceed in forma pauperis on appeal is DENIED.