

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 6, 2023

Lyle W. Cayce  
Clerk

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No. 22-40641

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JOSHUA MICHAEL CRIM,

*Plaintiff—Appellee,*

*versus*

SALVADOR ARMANDO CHAPA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 2:20-CV-270

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Before JONES, CLEMENT, and HAYNES, *Circuit Judges.*

PER CURIAM:\*

Salvador Armando Chapa appeals the district court’s denial of summary judgment on qualified immunity. An order denying summary judgment on qualified immunity “is a collateral order subject to immediate appeal.” *Brauner v. Coody*, 793 F.3d 493, 497 (5th Cir. 2015). This court has jurisdiction over such an order only if the appeal turns on a legal issue. Thus,

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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where the district court denies summary judgment based on qualified immunity due to a genuine dispute of material fact, this court only has jurisdiction to review the court's determination that a genuine fact issue is *material*, not whether it exists. *See Kokesh v. Curlee*, 14 F.4th 382, 390 (5th Cir. 2021). Chapa does not allege in this appeal that the genuine issue is immaterial. Therefore, this appeal fails to present a legal issue.

Accordingly, the appeal is DISMISSED for want of jurisdiction.