

United States Court of Appeals for the Fifth Circuit

No. 23-20461
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 30, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BABAR JAVED BUTT,

Defendant,

TAJUDDIN SALAHUDDIN,

Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:16-CR-452-1

Before WIENER, HO, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Tajuddin Salahuddin has appealed from the district court's denial of his motion for appointment of counsel. The Government argues that we do

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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not have jurisdiction to hear this interlocutory appeal because the denial of Salahuddin's motion is not a final appealable order and does not fall under the collateral order doctrine.

We have jurisdiction over an appeal from (1) a decision that is final under 28 U.S.C. § 1291; (2) a decision that is deemed final due to a jurisprudential exception or that has been properly certified as final under Federal Rule of Civil Procedure 54(b); and (3) interlocutory orders that are of the type noted in 28 U.S.C. § 1292(a), or that have been certified for appeal by the district court in accordance with 28 U.S.C. § 1292(b). *Askanase v. Livingwell, Inc.*, 981 F.2d 807, 809-10 (5th Cir. 1993).

The order denying Salahuddin's motion to appoint counsel is not a final order and does not fall within any of the classes set forth in § 1292(a). The district court did not certify the decision for appeal under Rule 54(b) or § 1292(b). *See* FED. R. CIV. P. 54(b); 28 U.S.C. § 1292(b). The order also is not appealable under the collateral order doctrine. *See Coopers & Lybrand v. Livesay*, 437 U.S. 463, 468 (1978); *Flanagan v. United States*, 465 U.S. 259, 260 (1984); *Williams v. Catoe*, 946 F.3d 278, 279-81 (5th Cir. 2020) (en banc). We lack jurisdiction to consider the instant appeal.

Accordingly, we DISMISS the appeal for want of jurisdiction.