

**FILED**

**UNITED STATES COURT OF APPEALS**

November 19, 2004

**FIFTH CIRCUIT**

Charles R. Fulbruge III  
Clerk

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No. 04-10491  
(Summary Calendar)

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BRIDGET PARSON,

Plaintiff-Appellant,

v.

WILMER HUTCHINS INDEPENDENT SCHOOL DISTRICT

Defendants-Appellee

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:03-CV-492-K

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Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Bridget Parson appeals the district court's order setting aside default judgment against Wilmer Hutchins Independent School District. A motion to set aside a default judgment is interlocutory and nonappealable. *Parks v. Collins*, 761 F.2d 1101, 1104 (5th Cir. 1985) ("When an order . . . merely vacates the judgment and leaves the case pending for further determination, the order is akin to an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

order granting, a new trial and is interlocutory and nonappealable”) (quoting 7 J. Moore, *MOORE'S FEDERAL PRACTICE* ¶ 60.30[3] (2d ed. 1983)). Moreover, the district court has not certified this case for interlocutory appeal. See 28 U.S.C. § 1292(b). Accordingly, we DISMISS Parson’s appeal. All outstanding motions are DENIED AS MOOT.