

March 22, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-31241
Summary Calendar

HEATHER E. LEHMAN; BILLIE J. LEHMAN, individually and on behalf
of William Matthew Lehman; COLLEEN PECK, individually and on
behalf of William Matthew Lehman,

Plaintiffs-Appellees,

versus

CHERYL M. LEICHLITER, Etc.; ET AL.,

Defendants,

CHERYL M. LEICHLITER, individually and in her capacity as an
officer with the Lake Charles City Police Department,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:03-CV-1432

Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:*

Cheryl M. Leichliter, the individual defendant in this 42
U.S.C. § 1983 action arising from the shooting of William Matthew
Lehman, appeals the district court's denial of her summary
judgment motion asserting qualified immunity. Although this

* 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that this opinion should not be published and is not precedent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.

court "can review a district court's conclusion that an issue of law is material," we lack jurisdiction to review whether a factual dispute is "genuine." Reyes v. City of Richmond, Tex., 287 F.3d 346, 351 (5th Cir. 2002). Leichliter's arguments on appeal challenge the genuineness of the factual disputes identified by the district court. Accordingly, we lack jurisdiction to consider these claims. The appeal is DISMISSED, and the case is REMANDED to the district court. Id.