

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5756
Summary Calendar

HAROLD A. KRUEGER, JR.,

Plaintiff-Appellee,

versus

JACK BREMER, ET AL,

Defendants,

JACK BREMER, Sheriff,
Sheriff of Comal County,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(SA-92-CV-223)

(September 20, 1993)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

This appeal from the denial of qualified immunity arrives after the district court denied defendant Bremer's Rule 12(b)(6) motion. Much of Bremer's brief appears premised on factual issues resolved in his favor, contrary to the premise of Rule 12(b)(6).

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

While we agree that immunity should be determined at the earliest possible stage in litigation, we also believe it would have been prematurely granted in this case. Perhaps summary judgment affidavits, or discovery tailored to the immunity question, will afford prompt disposition of this case.

Because the denial of qualified immunity at this stage was well taken, this appeal is DISMISSED.