

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-41289  
Conference Calendar

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GERALD AHEARN ET AL.,

Plaintiffs,

versus

FIBREBOARD CORPORATION, ET AL.,

Defendants-Appellees,

versus

WALI MUHAMMED,

Movant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:93 CV 526  
- - - - -  
June 28, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Wali Muhammed was not entitled to intervene in this suit as of right nor did the district court clearly abuse its discretion by denying Muhammed's motion for permissive intervention because Muhammed made no showing that his interests were not adequately protected. Kneeland v. National Collegiate Athletic Ass'n, 806

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\* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

F.2d 1285, 1289, (5th Cir.) cert. denied, 484 U.S. 817 (1987) (citation omitted). As the denial of Muhammed's motion for permissive intervention was within the discretion of the district court, this court lacks jurisdiction over Muhammed's appeal. Woolen v. Surtran Taxicabs, Inc., 684 F.2d 324, 331 (5th Cir. 1982). Therefore, Muhammed's motion to proceed in forma pauperis is DENIED and the appeal is DISMISSED.