

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-50864

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GERALD HALL,

Plaintiff

versus

ROY BENTON, ET AL.,

Defendants,

JESS THOMPSON; PEGGY THOMPSON;  
FRATERNAL ORDER OF POLICE, LODGE 11,

Defendants-Appellees,

RON BENTON; CHARLIE BLANKENSHIP;  
BOBBY WELBORN; RON SARTOR,

Defendants-Third Party  
Plaintiffs-Appellees,

versus

ED KREVIT; RUSTY HILL; GARY PAINTER,  
Sheriff of Midland County, Texas,

Third Party Defendants-  
Appellants.

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On Appeal from the United States District Court  
for the Western District of Texas  
(M0-94-CV-129)

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October 7, 1996

Before POLITZ, Chief Judge, SMITH and DUHÈ, Circuit Judges.

PER CURIAM:\*

Ed Krevit, Rusty Hill, and Gary Painter, Third Party Defendants-Appellants, appeal the district court's rejection, at this stage of the proceedings, of their assertion of qualified immunity from the claims of Third Party Plaintiffs. Having considered the briefs and oral arguments of counsel, and pertinent parts of the record, and finding that genuine issues of material fact currently exist, we conclude that we lack jurisdiction and the appeal is, accordingly, DISMISSED.

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\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.