

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10273
Conference Calendar

ELBERT SILAS GREEN,

Plaintiff,

SAMUEL H. LESLIE,

Intervenor-Plaintiff,

versus

R. O. LAMPERT, Senior Warden, et al.,

Defendants,

JERRY LISBY,

Appellant.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:97-CV-12C
- - - - -

December 10, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Jerry Lisby, a Texas prisoner (# 766897), appeals from the denial of his motion to intervene in the captioned action. Lisby was not entitled to intervene "of right" in this action because

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

he has not shown that his absence from the action would "impair or impede" his ability to protect his interests. FED. R. CIV. P. 24(a). Inasmuch as Lisby sought "permissive" intervention under Rule 24(b), the district court did not abuse its discretion by denying Lisby's motion. Kneeland v. National Collegiate Athletic Ass'n, 806 F.2d 1285, 1289, (5th Cir. 1987). Accordingly, this court lacks jurisdiction over Lisby's appeal, and the appeal is DISMISSED. Edwards v. City of Houston, 78 F.3d 983, 992 (5th Cir. 1996).

APPEAL DISMISSED.