

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-31205

CARY GRIFFIN

Plaintiff-Appellee

versus

EDWIN W EDWARDS, Etc.; ET AL

Defendants

EDWIN W EDWARDS, Governor, in his official capacity as
Governor; RAYMOND LABORDE, individually and in his
official capacity as commissioner of Administration

Defendants-Appellants

Appeal from the United States District Court
for the Middle District of Louisiana
(94-CV-568)

January 8, 1999

Before HIGGINBOTHAM, DUHÉ, and DeMOSS, Circuit Judges.

HIGGINBOTHAM, Circuit Judge:*

The prior panel implicitly held that Griffin stated a claim for deprivation of constitutional rights. That holding binds this panel. The district court found that there are genuine questions of fact and denied the motion for summary judgment filed by the public defendants. On this record we are not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

persuaded of our jurisdiction, and we dismiss the appeal for want of jurisdiction. Whether there has been a constitutional violation and whether defendants enjoy immunity for any found violations will be decided at trial.

APPEAL DISMISSED.