

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-60297
Summary Calendar

BILLY K. OWEN,

Plaintiff-Appellee,

versus

WILLIAM M. WILLIAMSON,
In his individual capacity,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:96-CV-259-D-D
- - - - -

March 18, 1999

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

PER CURIAM:*

Sergeant William M. Williamson of the Mississippi Highway Safety Patrol has appealed the district court's denial of his motion for summary judgment relative to two civil rights claims asserted by plaintiff-appellee Billy K. Owen.

The district court denied the motion relative to Owen's claims that Williamson (1) used excessive force in arresting him and (2) retaliated against Owen for exercising his First

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Amendment rights, on grounds that there were genuine issues of material fact which had to be resolved.

We agree with the district court's rulings, essentially for the reasons stated in its memorandum opinion. Owen v. Williamson, No. 1:96-CV-259-D-D (N.D. Miss. May 4, 1998) (unpublished). Because the issues of fact prevent this court from determining, as a matter of law, whether Williamson's conduct was objectively reasonable, his appeal must be dismissed for lack of jurisdiction. See Johnson v. Jones, 515 U.S. 304, 313, 317-18 (1995).

APPEAL DISMISSED.