

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60792

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MISSISSIPPI CHEMICAL CORPORATION,

Plaintiff-Appellee,

v.

TERRA INTERNATIONAL, INC.,

Defendant-Appellant.

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PROTECTION MUTUAL INSURANCE COMPANY,  
as Subrogee of Cardox Corporation, a  
Division of Air Liquide American  
Corporation; ARKWRIGHT MUTUAL INSURANCE  
COMPANY, as Subrogee of Farmland Industries,  
Inc.,

Plaintiffs-Appellees,

v.

TERRA INTERNATIONAL, INC., ET AL.,

Defendants,

TERRA INTERNATIONAL INC.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
(5:96-CV-150)

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January 26, 1998  
Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Defendant-appellant Terra International, Inc. ("Terra") seeks direct appellate review of the district court's orders affirming certain discovery orders entered by the magistrate judge in a lawsuit between Terra and Mississippi Chemical Corporation ("MCC"). These orders include (1) orders requiring Terra to produce certain documents that Terra alleges are undiscoverable and (2) an order granting MCC's motion for a protective order sequestering fact witnesses prior to their depositions and barring fact witnesses from attending the depositions of other witnesses. MCC has filed a motion to dismiss the appeal for lack of subject matter jurisdiction.

Terra contends that we possess jurisdiction to review the above discovery orders pursuant to the collateral order doctrine as established in Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949). We conclude that the orders that are the subject of this appeal do not meet the Cohen test. See Texaco, Inc. v. Louisiana Land and Exploration Co., 995 F.2d 43, 43-44 (5th Cir. 1993); Honig v. E.I. duPont de Nemours & Co., 404 F.2d 410, 410 (5th Cir. 1968). The cases that Terra cites in support of its contrary position are inapposite. We therefore DISMISS Terra's appeal without prejudice.

DISMISSED.