

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41170
No. B-96-CV-71

MARCELINA ESPINOZA, Individually and on behalf of Estate of
ADRIAN ESPINOZA; JOSE E. ESPINOZA,

Plaintiffs-Appellees,

v.

JOSE LUIS SANCHEZ, In his Individual Capacity,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas

February 4, 2000

Before REYNALDO G. GARZA, JONES, and EMILIO M. GARZA, Circuit
Judges.

PER CURIAM:*

We have carefully considered this interlocutory appeal in light of the briefs, oral argument, the district court opinion and pertinent portions of the record. Like the district court, we conclude that material questions of fact precluded the grant of summary judgment on qualified immunity grounds. For this reason, the appeal is **DISMISSED**.

DISMISSED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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