

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10535
Conference Calendar

ANTHONY T. THOMAS,

Plaintiff-Appellee,

versus

J. SAWYER ET AL.,

Defendants,

J. BALL,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:97-CV-2475

February 17, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Justin Ball appeals the district court's denial of his motion for summary judgment in Thomas's civil rights suit. Ball argues that the district court erred by denying his summary-judgment motion and that this court has jurisdiction over the interlocutory appeal. Because there is a significant fact-related dispute with regard to Thomas's brutality claim, this court does not have jurisdiction to review the district court's denial of the motion for summary judgment on this claim. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Johnson v. Jones, 515 U.S. 304, 313 (1995). Thus, Ball's appeal is DISMISSED for lack of jurisdiction.