

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

March 18, 2008

---

No. 07-30779  
Summary Calendar

---

Charles R. Fulbruge III  
Clerk

ALFRED MCZEAL, SR

Plaintiff - Appellant

v.

SOUTHERN CONSUMERS COOPERATIVE INC; PEOPLES  
ENTERPRISES INC; SOUTHERN DEVELOPMENT FOUNDATION INC;  
JOHN FREEMAN; ALBERT J MCKNIGHT; HOWARD MCZEAL; JOHN  
BESS; BIPIN PANDYA; DOES 1-40

Defendants - Appellees

---

Appeal from the United States United States District Court for the Western  
District of Louisiana, Lafayette

---

Before JOLLY, DENNIS, and PRADO, Circuit Judges..

PER CURIAM:\*

Alfred McZeal, Sr., pro se, appeals a "Judgment" of the district court in which the district court, adopting a magistrate judge's recommendation, denied McZeal's motion for judgment on the pleadings or for summary judgment as premature. McZeal asserts that this court has jurisdiction over this interlocutory appeal pursuant to 28 U.S.C. § 1292(b). That section authorizes

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

this court, in its discretion, to permit an appeal of an interlocutory order, if the district judge certifies that the order “involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.”

The district court did not make any of the findings specified in § 1292(b), and there is no other basis for our jurisdiction to review the district court’s interlocutory order. Accordingly, the appeal is DISMISSED for lack of jurisdiction.