

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LAYNE AUCOIN

CIVIL ACTION

VERSUS

ANDREW CUPIL ET AL.

NO.: 16-373-BAJ-RLB

ORDER

Layne Aucoin moves the Court to certify for immediate appeal its ruling on his motion to amend judgment. (Doc. 93). He argues that a ruling from the United States Court of Appeals for the Fifth Circuit as to the applicability of *Heck v. Humphrey*, 512 U.S. 477 (1994), would expedite this litigation.

The Court may certify an interlocutory order for immediate appeal if it finds that (1) the order involves a controlling question of law as to which there is substantial ground for difference of opinion,” and (2) “an immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b). Interlocutory appeals are “exceptional”; they “do not lie simply to determine the correctness of a ruling.” *Clark-Dietz and Associates-Engineers, Inc. v. Basic Const. Co.*, 702 F.2d 67, 68 (5th Cir. 1983) (Rubin, J.).

Aucoin fails to make the showing § 1292(b) requires. He merely quotes the statute, complains that he will be prejudiced if he is compelled to litigate this case to judgment, and declares that certification is appropriate.

Accordingly,

IT IS ORDERED that Plaintiff Layne Aucoin's **Motion to Certify (Doc. 93)** for immediate appeal is **DENIED**.

Baton Rouge, Louisiana, this 6th of May, 2019.



**JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**