

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MILTON RAYMOND HINSON

CIVIL ACTION

VERSUS

JOSE FRANCISCO ARTECONA

NO.: 3:19-00420-BAJ-RLB

RULING AND ORDER

Before the Court is a **Notice of Appeal (Doc. 8)**, in which Plaintiff seeks to appeal this Court's Order (Doc. 6) denying his "Motion for Accordance with Section 1915(a)" [*sic*] (Doc. 5). Generally, pursuant to 28 U.S.C. § 1291, only final decisions of district courts may be reviewed on appeal. Accordingly, the Court construes the instant Notice of Appeal as a motion to certify the Court's Order (Doc. 6) for interlocutory appeal pursuant to 28 U.S.C. § 1292.¹ Section 1292(b) states as follows:

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such 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, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal may thereupon, in its discretion, permit an appeal to be taken from such an order, if application is made to it within ten days after the entry of the order....

¹ Absent leave to proceed with an interlocutory appeal, the Court of Appeals has no jurisdiction to consider Plaintiff's interlocutory appeal. *See Burge v. Parish of St. Tammany*, 187 F.3d 452, 477 (5th Cir. 1999).

In the instant matter, none of the foregoing statutory requirements have been met. There is no controlling question of law to which there is substantial ground for difference of opinion and granting an appeal at this stage will not materially advance the ultimate termination of litigation. Once there is a final judgment, Plaintiff may appeal if he is dissatisfied with the result and may then raise the issues with the Fifth Circuit.

Accordingly,

IT IS ORDERED that Plaintiff's **Motion (Doc. 8)** is **DENIED**.

Baton Rouge, Louisiana, this 10th day of October, 2019.



JUDGE BRIANA A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA