

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 26, 2024

Lyle W. Cayce  
Clerk

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No. 23-30633

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KENT ANDERSON; STEVEN DOMINICK; ANTHONY GIOUSTAVIA;  
JIMMIE JENKINS; GREG JOURNEE; RICHARD LANFORD;  
LEONARD LEWIS; EUELL SYLVESTER; LASHAWN JONES,

*Plaintiffs—Appellees,*

UNITED STATES OF AMERICA,

*Intervenor Plaintiff—Appellee,*

*versus*

SUSAN HUTSON, *Sheriff, Orleans Parish, Successor to Marlin N. Gusman,*

*Defendant/Third Party Plaintiff—Appellant,*

*versus*

CITY OF NEW ORLEANS,

*Third Party Defendant—Appellee.*

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:12-CV-859

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Before SMITH, WIENER, and DOUGLAS, *Circuit Judges*.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the appeal is DISMISSED for lack of jurisdiction.

IT IS FURTHER ORDERED that appellant pay to appellees' the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.

Jerry E. Smith, *Circuit Judge*, dissenting.



Certified as a true copy and issued as the mandate on Feb 05, 2025

Attest: *Jyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit