

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

**Leslie J. Davis, Jr. v. Brad Livingston, Bryan Collier, Matt Gross,
Kevin Wheat, and Billy Reeves**

No. 16-40732 · No. No. 16-40732 · Decided June 29, 2017

OPINION

PER CURIAM.

Case: 16-40732 Document: 00514053753 Page: 1 Date Filed: 06/29/2017 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT United States Court of Appeals No. 16-40732 Fifth Circuit FILED Summary Calendar June 29, 2017 Lyle W. Cayce LESLIE J. DAVIS, JR., Clerk Plaintiff-Appellant v. BRAD LIVINGSTON; BRYAN COLLIER; MATT GROSS; KEVIN WHEAT; BILLY REEVES, Defendants-Appellees Appeal from the United States District Court for the Eastern District of Texas USDC No. 9:16-CV-76 Before JONES, WIENER, and CLEMENT, Circuit Judges.

PER CURIAM: * Leslie J. Davis, Jr., Texas prisoner # 676293, appeals an order by the United States District Court for the Southern District of Texas transferring his 42 U.S.C. § 1983 action to the Eastern District of Texas pursuant to 28 U.S.C. § 1404(a).

We lack jurisdiction to review this non-final decision. See *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 319 (5th Cir. 2008) (en banc); *Askanase* * 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. Case: 16-40732 Document: 00514053753 Page: 2 Date Filed: 06/29/2017 No. 16-40732 v. Livingwell, Inc., 981 F.2d 807, 809-10 (5th Cir.

1993). Instead, a petition for writ of mandamus is the appropriate means for contesting the order. See *Volkswagen*, 545 F.3d at 308-09. The appeal is DISMISSED, and the motion for an order holding the defendants in contempt is DENIED. 2