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FILED
March 12, 2014
Molly C. Dwyer, Clerk
U.S. Court of Appeals

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

GAGE WESCOM, Individually
and FRANK WESCOM, JR.,
parent and as Personal
Representative of the Estate
of Nikkolas Lookabill,
deceased,

*Plaintiffs -
Appellees,*

v.

CITY OF VANCOUVER,
Vancouver Police Officers,
Defendant,

and

JOHN DARREN SCHULTZ; et al.,
*Defendants -
Appellants.*

No. 14-35014

D.C. No.
3:13-cv-05461-RJB
Western District of
Washington,
Tacoma

ORDER

Before: W. FLETCHER, M. SMITH, and
CHRISTEN, Circuit Judges

On January 2, 2014, the district court granted appellees' motion to defer consideration of the summary judgment motion pursuant to Federal Rule of Civil Procedure 56(d) until after discovery relevant to qualified immunity is completed and struck

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appellants' motion for summary judgment regarding qualified immunity. On January 7, 2014, appellants filed a notice of appeal, seeking review of the district court's January 2, 2014 order.

A review of the record and the parties' responses to the court's January 10, 2014 order to show cause demonstrates that this court lacks jurisdiction over the appeal. *See Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985) ("We hold that a district court's denial of a claim of qualified immunity, to the extent that it turns on an issue of law, is an appealable 'final decision' within the meaning of 28 U.S.C. § 1291."); *see also Miller v. Gammie*, 335 F.3d 889, 895 (9th Cir. 2003); *Moss v. U.S. Secret Service*, 572 F.3d 962, 972-74 (9th Cir. 2009) (en banc); *Maropulos v. City of Los Angeles*, 560 F.3d 974, 975 (9th Cir. 2009). Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.