

United States Court of Appeals for the Fifth Circuit

No. 25-20299
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 10, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JONATHAN ELIOTT SMITH-BYRD,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CR-516-1

Before JONES, RICHMAN, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Jonathan Elliott Smith-Byrd filed an interlocutory appeal from the district court's order denying his pro se motions to dismiss the indictment for lack of subject matter jurisdiction alleging lack of standing and violations of the Confrontation Clause and his Due Process rights. Counsel moves to withdraw, and Smith-Byrd moves to proceed pro se. We lack jurisdiction

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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because there is no final judgment and the district court's order is not an immediately appealable collateral order. *See United States v. Emakoji*, 990 F.3d 885, 888-89 (5th Cir. 2021). Accordingly, the appeal is DISMISSED for lack of jurisdiction, and the motions are DENIED as moot.