

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2756

Craig Allen Smith,

Appellant,

v.

United States of America,

Appellee.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: May 30, 2006

Filed: June 13, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

Craig Allen Smith appeals the district court's¹ order denying his motion under 28 U.S.C. § 1915(e) for appointed counsel in his Federal Tort Claims Act suit. We hold that the order Smith challenges is not immediately appealable under 28 U.S.C. § 1291 (courts of appeals shall have jurisdiction of appeals from all final decisions) or § 1292 (granting appellate jurisdiction over specified interlocutory orders), or under the collateral order doctrine, see Kassuelke v. Alliant Techsystems, Inc., 223 F.3d 929, 931 (8th Cir. 2000) (to qualify for immediate appeal under collateral order doctrine,

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

order must conclusively decide disputed question that is important and distinct from case's merits, and decision must be effectively unreviewable on appeal from final judgment); cf. Marler v. Adonis Health Prods., 997 F.2d 1141, 1142-43 (5th Cir. 1993) (declining to extend collateral order doctrine to immediate appeals of orders denying appointed counsel in products liability cases; in support stating, inter alia, that appellate court can effectively remedy effects of erroneous denial of counsel by vacating judgment and remanding for new trial with appointed counsel).

Accordingly, we dismiss the appeal for lack of jurisdiction.
