

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3601

Ronald R. Ernst,

Appellant,

v.

Judge Thomas Howe; Thomas J.
Harbinson, County Attorney; Neil
Nelson, Assistant County Attorney;
Robert Nicklaus, Attorney,

Appellees.

*
*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: November 5, 2004
Filed: November 12, 2004

Before RILEY, McMILLIAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Ronald Ernst appeals from the district court's¹ order dismissing two defendants in his 42 U.S.C. § 1983 action. Because the order did not dispose of the claims against two other defendants, it was not a final appealable order. See 28 U.S.C.

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Susan Richard Nelson, United States Magistrate Judge for the District of Minnesota.

§ 1291 (courts of appeals have jurisdiction over appeals from final decisions of district courts); Fed. R. Civ. P. 54(b) (in absence of an express direction for entry of final judgment as to fewer than all parties, an order adjudicating fewer than all claims or rights and liabilities of fewer than all parties shall not terminate action as to any claims or parties); Bullock v. Baptist Mem'l Hosp., 817 F.2d 58, 59 (8th Cir. 1987) (order dismissing complaint as to fewer than all defendants is not final order within meaning of § 1291). Accordingly, we dismiss the appeal for lack of jurisdiction.
