

No. 09-1187

[UNPUBLISHED]

Submitted: May 19, 2009
Filed: May 29, 2009

Before WOLLMAN, MURPHY, and MELLOY, Circuit Judges.

PER CURIAM.

Russell Berger appeals the district court's¹ partial grant of summary judgment to defendants in his 42 U.S.C. § 1983 action. Although the parties address the merits of the district court's ruling, we have an independent obligation to examine our own jurisdiction. See Nolles v. State Comm. for Reorg. of Sch. Dists., 524 F.3d 892, 897 (8th Cir.), cert. denied, 129 S. Ct. 418 (2008). Because the summary judgment order clearly left issues unresolved and the district court did not certify the order for interlocutory appeal under Federal Rule of Civil Procedure 54(b), we find that the order was neither final nor appealable. See 28 U.S.C. § 1291; Dieser v. Cont'l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006). Thus, we dismiss the appeal for lack of jurisdiction.

¹The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas.