

United States Court of Appeals
For the Eighth Circuit

No. 21-1862

William Adams

Plaintiff - Appellant

v.

City of Lincoln

Defendant - Appellee

Jeffrey Sorensen

Defendant

Joseph Villamonte; Daniel Dufek

Defendants - Appellees

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: November 10, 2021

Filed: November 17, 2021

[Unpublished]

Before COLLOTON, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

William Adams appeals the district court's¹ adverse grant of summary judgment in his action under 42 U.S.C. § 1983. We conclude that the order granting summary judgment to the City of Lincoln and its officers Joseph Villamont and Daniel Dufek was not final, as it did not dispose of the claims against Capital Towing, Inc. *See* 28 U.S.C. § 1291; *Thomas v. Basham*, 931 F.2d 521, 523 (8th Cir. 1991). Although the clerk entered default against Capital Towing under Federal Rule of Civil Procedure 55(a), the district court did not subsequently enter default judgment under Federal Rule of Civil Procedure 55(b) as required to render the judgment final. *See* Fed. R. Civ. P. 55(b); *Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86 F.3d 852, 855 (8th Cir. 1996); *Berthelsen v. Kane*, 886 F.2d 330 (6th Cir. 1989).

Accordingly, the appeal is dismissed for lack of jurisdiction because it is premature.

¹The Honorable Robert F. Rossiter, Jr., United States District Judge for the District of Nebraska.