

JUL 19 2002

Charles R. Fulbruge
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50114
Summary Calendar

LI YU, Administrator of the Estate of Wei Y. Wu,
Plaintiff-Appellant,

versus

STATE OF TEXAS DEPARTMENT OF TRANSPORTATION; CAROLINE A. HERRERA,
Materials and Test Section, Construction Division, Texas Department
of Transportation; KATHERINE L. HOLTZ, Materials and Test Section,
Construction Division, Texas Department of Transportation,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-01-CV-741-SS

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Li Yu, as administrator of the estate of Wei Y. Wu, appeals the district court's order dismissing her claims against defendants Texas Department of Transportation and Caroline A. Herrera and Katherine L. Holtz in their official capacities. The order, however, did not dismiss Yu's claims against Herrera and Holtz in

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

their individual capacities under 42 U.S.C. §§ 1983 and 1985 and state tort law. In the absence of a Federal Rule of Civil Procedure 54(b) certification, which Yu did not request and the district court did not provide, we have no jurisdiction over the appeal of an order dismissing all claims against one defendant but only dismissing some but not all of the plaintiff's claims against the other defendants.¹

APPEAL DISMISSED FOR LACK OF JURISDICTION.

¹ See *Gibbs v. Grimmette*, 254 F.3d 545, 550 (5th Cir. 2001), *cert. denied*, 122 S. Ct. 1083 (2002); *Woods v. Smith*, 60 F.3d 1161, 1167 (5th Cir. 1995); *Arango v. Guzman Travel Advisors Corp.*, 621 F.2d 1371, 1378 n.8 (5th Cir. 1980).