

May 21, 2004

Charles R. Fulbruge III
Clerk

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

No. 03-60951
(Summary Calendar)

BOBBY STEVENS; ET AL

Plaintiffs

BOBBY STEVENS; JOSEPHINE STEVENS

Plaintiffs - Appellants

versus

FORD MOTOR COMPANY; ET AL

Defendants

FORD MOTOR CO; JOHN DOES, whose names are unknown to plaintiffs
at this time, but will be substituted by amendment when ascertained; BILL
ETHRIDGE LINCOLN-MERCURY INC

Defendant - Appellees

GWENDOLYN HILL

Plaintiff - Appellant

versus

FORD MOTOR COMPANY; ET AL

Defendants

FORD MOTOR COMPANY; BILL ETHRIDGE LINCOLN-MERCURY
INC; JOHN DOES

Defendant - Appellees

Appeal from the United States District Court
For the Southern District of Mississippi
USDC No. 4:03-CV-164-BN

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Plaintiffs Bobby and Josephine Stevens and Gwendolyn Hill bring this appeal from the district court's denial of their Motion to Remand to state court their personal injury and property damage suit against defendants Ford Motor Company, Bill Ethridge Lincoln-Mercury and unknown John Does.

“An order denying remand of a case removed to federal court is not a final order within the meaning of 28 U.S.C. § 1291 and, standing by itself cannot be appealed unless certified by the district court according to the provisions of 28 U.S.C. § 1292(b).” *Poirrier v. Nicklos Drilling Co.*, 648 F.2d 1063, 1064-65 (5th Cir. 1981); *Aaron v. National Union Fire Ins. Co. of Pittsburgh, Pennsylvania*, 876 F.2d 1157, 1160 (5th Cir. 1989); *see* Wright, Miller & Cooper, Federal Practice & Procedure 2d § 3914.11. When the refusal to remand is coupled with a final judgment, the appellate court has jurisdiction to review the denial of the motion to remand. *Aaron*, 846 F.2d at 1160.

The district court did not issue a final judgment in this case, nor did it certify its ruling for interlocutory appeal. This appeal is thus DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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