

April 7, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-30907  
Summary Calendar

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DANIEL C. JENKINS,

Plaintiff-Appellant,

versus

CLECO CORP.; ET AL,

Defendants,

LIBERTY LIFE ASSURANCE COMPANY OF BOSTON,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 01-CV-1407  
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Before JOLLY, JONES, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

This court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). In the instant lawsuit, Daniel C. Jenkins filed a notice of appeal from the district court's order granting summary judgment in favor of Liberty Life Assurance Company of Boston ("Liberty Life"), dismissing Jenkins' claims against

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Liberty Life regarding its denial of long-term disability benefits with prejudice. Jenkins' claims of disability discrimination against CLECO Corporation remain to be adjudicated.

When an action involves multiple parties or multiple claims, any decision that adjudicates the liability of fewer than all the parties or disposes of fewer than all the claims does not terminate the litigation and is therefore not appealable unless certified by the district court under FED. R. CIV. P. 54(b). See Thompson v. Betts, 754 F.2d 1243, 1245 (5th Cir. 1985); Borne v. A & P Boat Rentals No. 4, Inc., 755 F.2d 1131, 1133 (5th Cir. 1985). The district court has not certified the order for appeal. Accordingly, this court is without jurisdiction.

APPEAL DISMISSED.