

May 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-30758
Summary Calendar

CLARION GAINES

Plaintiff-Appellant,

versus

CRESCENT GUARDIAN, INC.

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:04-CV-2341

ORDER OF DISMISSAL FOR LACK OF
APPELLATE JURISDICTION

Before KING, DeMOSS, and PRADO, Circuit Judges.

PER CURIAM:*

Plaintiff's notice of appeal expressly states that appeal is taken "from the Order entered July 1, 2005 dismissing counts 2 and 3 of her complaint." The order referenced in the notice of appeal is not a final order or a final judgment. It dismisses only counts 2 and 3 of plaintiff's original petition. The district court did not certify the order appealed from as immediately appealable pursuant to Rule 54(b) of the Federal Rules of Federal Procedure;

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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this Court has not granted permission in any way for an interlocutory appeal.

Accordingly, this appeal is dismissed for lack of appellate jurisdiction.

APPEAL DISMISSED.