

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4607
Conference Calendar

ALFRED LEON EWELL,

Plaintiff-Appellant,

versus

ROBERT MITCHELL, Jailer, ET AL.,

Defendants,

GARY THOMAS, ETC., and
Anderson County Jail, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. CA6-91-520
- - - - -
(January 21, 1993)

Before GARWOOD, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

An order dismissing fewer than all of the defendants without the certification required by Fed. R. Civ. P. 54(b) is not final, and this Court has no jurisdiction. Kelly v. Lee's Old Fashioned Hamburgers, Inc., 908 F.2d 1218, 1219-21 (5th Cir. 1990) (en banc); Thompson v. Betts, 754 F.2d 1243, 1245-46 (5th Cir. 1985). Nor does the order of dismissal meet the criteria for an

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

interlocutory appeal. 28 U.S.C. § 1292(b); 9 James W. Moore et al., Moore's Federal Practice ¶ 110.22[2] (1992); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 69 S. Ct. 1221, 93 L. Ed. 1528 (1949); Louisiana Ice Cream Distrib. v. Carvel Corp., 821 F.2d 1031, 1033 (5th Cir. 1987). Alfred Leon Ewell's appeal is DISMISSED.