

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-10232

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DANIEL JOE HITTLE,

Plaintiff-Counter-  
Defendant-Appellant,

versus

CITY OF GARLAND TEXAS,

Defendant-Counter Claimant-  
Appellee,

and

GARLAND POLICE DEP'T; JOHN  
DOES, 1-10, J.G. GEORGE, City  
of Garland Police Officer; D. SWAVEY,  
City of Garland Police Officer;  
D.W. ROEHRIG, City of Garland Police  
Officer; J. HOLMES, City of Garland Police  
Officer; S.A. CROSS, City of Garland  
Police Officer,

Defendants.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:91-CV-2621-T  
- - - - -  
(August 11, 1995)

Before REYNALDO G. GARZA, KING, and SMITH, Circuit Judges.

PER CURIAM:\*

In this civil rights case, the plaintiff has filed a notice of appeal from a interlocutory judgment entered February 6, 1995,

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\* 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

dismissing his claims against the City of Garland, Texas. The plaintiff's claims against five other individual defendants remain to be adjudicated. The appellee correctly argues that the order is not appealable.

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 under Fed. R. Civ. P. 54(b). See Thompson v. Betts, 754 F.2d 1243, 1245 (5th Cir. 1985). The district court has not certified the order for appeal. Accordingly, this court is without jurisdiction.

APPEAL DISMISSED.