

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 12, 2021

Lyle W. Cayce
Clerk

No. 20-20504
Summary Calendar

ADMINISTRATOR-BENEFITS FOR THE EXXONMOBIL SAVINGS
PLAN,

Plaintiff—Appellee,

versus

LINDA JANESKO; WENDY WITTERSCHEIN,

Defendants—Appellants.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:20-CV-375

Before HAYNES, WILLETT, and HO, *Circuit Judges.*

PER CURIAM:*

Before considering an appeal's merits, we must confirm that we have jurisdiction. *Castaneda v. Falcon*, 166 F.3d 799, 801 (5th Cir. 1999). Under 28 U.S.C. § 1291, we are limited to reviewing "final decisions of the district

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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courts.” In suits against multiple defendants, a decision is not final, and therefore not appealable, until “the district court has decided all claims against all parties.” *Williams v. Seidenbach*, 958 F.3d 341, 346 (5th Cir. 2020) (en banc); *see also* FED. R. CIV. P. 54(b). This appeal contravenes the final-judgment rule in two ways. First, it was filed before the Defendants-Appellants’ dispute with the other defendants was resolved. The notice of appeal was filed on September 22, 2020, but the Agreed Order of Dismissal was not entered until January 14, 2021. Second, it was filed before the other defendants’ counterclaim against the Plaintiff-Appellee was resolved. Indeed, the Agreed Order of Dismissal indicates that live counterclaims still exist against the Plaintiff-Appellee from both sets of defendants.

IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction.