

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1837
Conference Calendar

WILLIAM BRYAN FROUST,

Plaintiff-Appellant,

versus

JACK DIEKEN, Taylor County,
Texas, Sheriff, ET AL.,

Defendants,

JACK DIEKEN, Taylor County,
Texas, Sheriff,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:93-CV-058-C
- - - - -

(May 18, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

This Court is without jurisdiction over William Bryan Froust's appeal of the district court's dismissal of claims against Taylor County, Texas, Sheriff Jack Dieken in his individual capacity. 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

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Court has no jurisdiction under 28 U.S.C. § 1291. 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). To the extent that Froust seeks to appeal the denial of his request for injunctive relief concerning conditions in the Taylor County Adult Detention Center pursuant to 28 U.S.C. § 1292(a)(1), the issue is moot because Froust is no longer incarcerated in that facility.

As this Court lacks jurisdiction over Froust's appeal, the other documents which Froust has filed in this Court should be directed to the district court.

APPEAL DISMISSED.