

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

Nos. 03-1038/03-1419

United States of America, ex rel.	*	
Magnolia City Hospital,	*	
	*	
Plaintiff/Cross Appellee,	*	
	*	Appeals from the United States
v.	*	District Court for the Western
	*	District of Arkansas.
Medical Business Associates, L.L.C.;	*	
Harold Evans; Greg Evans; Bunker	*	[UNPUBLISHED]
Hill, L.L.C.;	*	
	*	
Defendants - Appellants/	*	
Cross Appellees,	*	
	*	
Magnolia City Hospital,	*	
	*	
Defendant - Appellee/	*	
Cross Appellant,	*	
	*	
-----	*	
	*	
Magnolia City Hospital,	*	
	*	
Third Party Plaintiff,	*	
	*	
v.	*	
	*	
Dallas A. Riley; Ken Peebles; Bob	*	
Prickett; W. J. Poss,	*	
	*	
Third Party Defendants.	*	

Submitted: July 30, 2004
Filed: August 2, 2004

Before WOLLMAN, McMILLIAN, and RILEY, Circuit Judges.

PER CURIAM.

In these consolidated appeals, Harold Evans, Greg Evans, and Bunker Hill, LLC (appellants) appeal the district court's¹ order assessing costs and concluding Magnolia City Hospital (Magnolia) was entitled to attorney's fees. Magnolia cross-appeals the district court's order concluding it lacked jurisdiction to rule on motions during the pendency of appellants' appeal. As appellants have acknowledged in their brief, this appeal is premature because the order appealed did not award an amount of attorney's fees and thus was not final. Accordingly, we dismiss appellants' appeal for lack of jurisdiction.

Because the district court's order concluding it lacked jurisdiction during the appeal will be mooted by our dismissal of appellants' appeal, we dismiss Magnolia's cross-appeal as moot. We also deny as moot Magnolia's pending motion.

¹The Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.