United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-1187

Russell Berger,	*	
	*	
Appellant,	*	
	*	
v.	*	
	*	
Bell, Kitchen Supervisor, East Arkansas Regional Unit, ADC; Greg Harmon, Warden, East Arkansas Regional Unit, ADC; Ray Hobbs, Assistant Director, Arkansas Department of Correction; Williams, Sgt., East Arkansas Regional Unit, ADC; Bryant, Correctional Officer, East Arkansas Regional Unit, ADC; Wilson, Chaplain, East Arkansas Regional Unit, ADC; Glenny, Assistant Chaplain, East Arkansas Regional Unit, ADC; Does, (1) Unknown, Ad-Hoc Committee; Kelley, Assistant Deputy Director, Arkansas Department of Correction; Larry Norris, Director, Arkansas Department of Correction; Hall, Kitchen Supervisor, East Arkansas Regional Unit, ADC; Kay Skillen, (originally sued as Jane Doe, Dietician),	*	Appeal from the United States District Court for the Eastern District of Arkansas.
	*	[UNPUBLISHED]
Appellees.		

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Submitted: May 19, 2009
Filed: May 29, 2009

Before WOLLMAN, MURPHY, and MELLOY, Circuit Judges.

PER CURIAM.

Russell Berger appeals the district court's[1] partial grant of summary judgment to defendants in his 42 U.S.C. § 1983 action. Although the parties address the merits of the district court's ruling, we have an independent obligation to examine our own jurisdiction. See Nolles v. State Comm. for Reorg. of Sch. Dists., 524 F.3d 892, 897 (8th Cir.), cert. denied, 129 S. Ct. 418 (2008). Because the summary judgment order clearly left issues unresolved and the district court did not certify the order for interlocutory appeal under Federal Rule of Civil Procedure 54(b), we find that the order was neither final nor appealable. See 28 U.S.C. § 1291; Dieser v. Cont'l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006). Thus, we dismiss the appeal for lack of jurisdiction.

[1]The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas.

Appellate Case: 09-1187 Page: 2 Date Filed: 05/29/2009 Entry ID: 3551661