

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 7, 2009

No. 08 - 50457

Charles R. Fulbruge III
Clerk

ROBROY INDUSTRIES INCORPORATED

Plaintiff - Appellant

v.

JOSEPH SCHWALBACH AND CL SYSTEMS CORPORATION

Defendants - Appellees

Appeal from the United States District Court
Western District of Texas Midland Division
No. 7:06-cv-00040-RAJ

Before JOLLY, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The District Court had jurisdiction to enter the order granting a new trial. Consequently, the present appeal is dismissed because of the absence of a final, appealable order.

DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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