

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-60275

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MERLEAN MARSHALL; ET AL.,

Plaintiffs,

MERLEAN MARSHALL, individually and on behalf of  
all wrongful death beneficiaries of Lucy R. Shepard, deceased,

Plaintiff-Appellant,

VERSUS

THE KANSAS CITY SOUTHERN RAILWAY COMPANY; ERIC W. ROBINSON;  
ROBERT E. EVERETT; C.L. DUETT,

Defendants-Appellees.

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Appeal from the United States District Court  
For the Southern District of Mississippi  
3:99-CV-433

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June 20, 2002

Before DAVIS, DeMOSS and STEWART, Circuit Judges.

PER CURIAM:\*

This court must examine the basis of its jurisdiction on its own motion if necessary. Mozley v. Cozby, 813 F.2d 659, 660 (5<sup>th</sup> Cir. 1987). In this civil rights case, the plaintiff filed a notice of

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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

appeal from an order entered by the district court on March 30, 2000, dismissing his claims against defendants Robert E. Everett, C. L. Duett and Eric W. Robinson. The plaintiff's claims against Kansas City Southern Railway Company remain to be adjudicated.

When an action involves multiple parties or multiple claims, any decision that adjudicates the liability of fewer than all the parties or disposes of fewer than all the claims does not terminate the litigation and is therefore not appealable unless certified by the district court under Fed. R. Civ. P. 54(b). See Thompson v. Betts, 754 F.2d 1243, 1245 (5<sup>th</sup> Cir. 1985); Borne v. A & P Boat Rentals Nos. 4, Inc., 755 F.2d 1131, 1133 (5<sup>th</sup> Cir. 1985). The district court has not certified the order for appeal. Accordingly, this court is without jurisdiction.

APPEAL DISMISSED.