

June 8, 2007

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 06-31068
Summary Calendar

MATTIE WYRE

Plaintiff-Appellant,

VERSUS

ST. HELENA PARISH SCHOOL BOARD,

Defendant-Appellee.

GUSTAVIA CEASAR

Plaintiff-Appellant,

VERSUS

IBERVILLE PARISH SCHOOL BOARD,

Defendant-Appellee.

LIONEL DUNN, Individually and on behalf of all other similarly
situated individuals,

Plaintiff-Appellant,

VERSUS

EAST BATON ROUGE PARISH SCHOOL BOARD,

Defendant-Appellee.

Appeal from the United States District Court
For the Middle District of Louisiana

(3:04-CV-82)

Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Appellants appeal the district court's denial of their motion for conditional class certification pursuant to § 216(b) of the Fair Labor Standards Act. Appellees contend that we do not have jurisdiction to hear the appeal.

This Court's jurisdiction is limited to appeals from final decisions under 28 U.S.C. § 1291, interlocutory decisions under 28 U.S.C. § 1292, non-final judgments certified as final under Federal Rule of Civil Procedure 54(b), and other non-final orders or judgments to which an exception applies. *Clark v. Johnson*, 278 F.3d 459, 460 (5th Cir. 2002). The denial of a § 216(b) class certification is not a final decision under § 1291, nor does it fall under the "collateral order" exception to § 1291's final judgment rule. See *Baldrige v. SBC Commc'ns, Inc.*, 404 F.3d 930, 931, 933 (5th Cir. 2005). Further, absent certification under § 1292(b), it is not an interlocutory decision over which we have jurisdiction. See § 1292(a). The district court did not certify its decision as final under Rule 54(b), and there is no other exception that applies to give us jurisdiction. Accordingly, the appeal is DISMISSED for want of jurisdiction.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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