

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-41073
(Summary Calendar)

DONALD RAY BISCAMP, SR.,

Plaintiff-Appellant,

versus

TYLER COUNTY TEXAS, GARY HENNIGAN,
Individually and in his official capacities; WANDA
BRASHER, Individually and in her official capacities
as Justice of the Peace; JAMES A. CLARK, Individually
and in his official capacities as District Attorney; RITA
JEAN SHEFFIELD; DEW LEWANE SHEFFIELD;
ROBERT C. SIRMONS; DOROTHY SIRMONS;
CALVIN W. SIRMONS; JOSEPH PATTERSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(1:95-CV-127)

September 5, 1997

Before DAVIS, EMILIO M. GARZA, and STEWART, Circuit Judges.

PER CURIAM, Circuit Judge:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5 CIR.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

Donald Ray Biscamp, Sr., appeals the magistrate judge's dismissal of his civil rights complaint against Tyler County, Texas; Tyler County Sheriff Gary Hennigan; Tyler County Justice of the Peace Wanda Brasher; Tyler County District Attorney James A. Clark (collectively, the Tyler County defendants); Biscamp's ex-wife, Rita Jean Sheffield; her husband, Dew Lewane Sheffield; and Mrs. Sheffield's relatives, Robert C. Sirmons, Dorothy Sirmons, Calvin W. Sirmons, and Joseph Patterson (collectively the Sheffield defendants). Because the record indicates that the Sheffield defendants did not consent to entry of final judgment by the magistrate judge pursuant to 28 U.S.C. § 636(c)(1), the order of dismissal is not final as to those defendants. *See EEOC v. West Louisiana Health Services, Inc.*, 959 F.2d 1277, 1281-82 (5th Cir. 1992).

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 under FED. R. CIV. P. 54(b). *See Thompson v. Betts*, 754 F.2d 1243, 1245 (5th Cir. 1985). The district court has not certified the dismissal of the Tyler County defendants for appeal pursuant to Rule 54(b). Accordingly, this court is without jurisdiction.

APPEAL DISMISSED.