

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50880
Summary Calendar

ROBERT WALKER,

Plaintiff-Appellant,

versus

ED RICHARDS; JOHN DOE;
STEPHEN BENOLD, M.D.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-99-CV-9417-SS

March 6, 2000

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

PER CURIAM:*

Robert Walker has filed a "Motion for Emergency Stay Pending Judgment and Extraordinary Action." Walker asks this court to "take 'extraordinary action'" and "take supervisory responsibility for [his] cause of action." There is no authority

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

for the court to assume "supervisory responsibility" over Walker's pending complaint in the district court. Accordingly, his request for "emergency relief" is DENIED.

The appellees have filed a motion to dismiss the appeal, or in the alternative, a response to Walker's appellate brief. They argue that Walker has inappropriately filed an appeal from an interlocutory order and, thus, that the appeal should be dismissed.

There is no final judgment or certification by the district court pursuant to Fed. R. Civ. P. 54(b) or 28 U.S.C. § 1292(b). The interlocutory order from which Walker appeals does not meet one of the exceptions listed in § 1292(a) or resolve an issue that is completely separate from the merits of the action under Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). This court, therefore, lacks jurisdiction to review any claims raised by this appeal. Accordingly, the appellees' motion to dismiss is GRANTED, and the appeal is dismissed as frivolous. 5th Cir. R. 42.2.