

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3398

Essex Insurance Company,

Appellee,

v.

John McManus, doing business as
Jay Hydraulics & Electric Co.,

Appellant,

Internal Revenue Service,

Appellee,

City of St. Louis,

Defendant,

Adjusters Incorporated for the People,
doing business as Adjusters, Inc.,

Appellee.

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* Appeal from the United States
* District Court for the Eastern
* District of Missouri.

[UNPUBLISHED]

Submitted: October 7, 2004
Filed: October 15, 2004

Before WOLLMAN, McMILLIAN, and RILEY, Circuit Judges.

PER CURIAM.

John McManus (McManus) appeals the district court's¹ adverse grant of summary judgment to the Internal Revenue Service (IRS) on its claim filed in an interpleader action brought by Essex Insurance Company. He also has filed motions requesting to continue his cross-claims against Adjusters Incorporated for the People (Adjusters) and the IRS, and to supplement the record on appeal.

We dismiss this appeal for lack of jurisdiction, because at the time the district court granted summary judgment, the cross-claims were pending and the district court did not rule on them. Thus there was no final judgment from which to take an appeal. See 28 U.S.C. § 1291 (appellate jurisdiction over final orders); Fed. R. Civ. P. 54(b) (“order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties”); Miller v. Special Weapons, L.L.C., 369 F.3d 1033, 1034-35 (8th Cir. 2004); Thomas v. Basham, 931 F.2d 521, 522-24 (8th Cir. 1991) (appellate courts have obligation to raise jurisdictional issues sua sponte “when there is an indication that jurisdiction is lacking”). Given this disposition, we need not rule on McManus’s pending motions.

Accordingly, we dismiss this appeal.

¹The Honorable Charles A. Shaw, United States District Judge for the Eastern District of Missouri.