

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2659

Inez Hunter,	*
	*
Appellant,	*
	* Appeal from the United States
v.	* District Court for the
	* District of Minnesota.
Barry Johnson,	*
	* [UNPUBLISHED]
Appellee,	*
	*
Woodbury Community Land Trust,	*
	*
Defendant.	*

Submitted: August 7, 2009
Filed: August 12, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

In this civil action, Inez Hunter appeals following the district court's¹ dismissal of one defendant, and the court's denial of Hunter's motion for default judgment as to another defendant. When Hunter filed the instant notice of appeal on July 2, 2008,

¹The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Franklin L. Noel, United States Magistrate Judge for the District of Minnesota.

the magistrate judge's report of June 27, 2008--recommending explicitly dismissing Woodbury Community Land Trust and closing the case--had not yet been acted upon by the district court, and thus Hunter was on notice that her appeal was premature. She did not file another notice of appeal or amend the instant notice of appeal following the district court's adoption of the magistrate judge's report over her objections, and the subsequent entry of final judgment on August 5, 2008. Accordingly, we dismiss the appeal for lack of jurisdiction. See Huggins v. FedEx Ground Package Sys., Inc., 566 F.3d 771, 773 (8th Cir. 2009) (appellate courts are obligated to consider sua sponte jurisdictional issues where it appears jurisdiction is lacking); Thomas v. Basham, 931 F.2d 521, 523 (8th Cir. 1991) (appeal was premature when some claims remained pending).
