

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 98-2390

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Wayne King,

Appellant,

v.

Marilyn Johnson,

Appellee,

Charles Beavers,

Defendant.

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Appeal from the United States  
District Court for the  
Western District of Arkansas.

[UNPUBLISHED]

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Submitted: April 23, 1999

Filed: April 30, 1999

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Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Wayne King brought this action under 42 U.S.C. § 1983 against Marilyn Johnson and Deputy Sheriff Charles Beavers. The background facts are summarized in our earlier decision granting Sheriff Beavers qualified immunity from King's claims. See King v. Beavers, 148 F. 3d 1031 (8th Cir.), cert. denied, 119 S. Ct. 513 (1998).

While that appeal was pending, the district court<sup>1</sup> granted Johnson's motion for summary judgment and entered judgment dismissing the action as to her. King appeals that decision. However, at the time King appealed, there was no judgment disposing of the claims against Beavers, and King did not obtain from the district court the express determination necessary to permit immediate appeal of the judgment dismissing Johnson. See Fed. R. Civ. P. 54(b). Accordingly, there is no appealable final order, and we dismiss this appeal for lack of jurisdiction.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The HONORABLE H. FRANKLIN WATERS, United States District Judge for the Western District of Arkansas.