

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: January 17, 2018

Mr. Bruce S. Kramer
Mr. Thomas L. Parker
Ms. Jennie Vee Silk
Mr. Buckner Potts Wellford

Re: Case No. 17-5868, *Elaine Blanchard, et al v. City of Memphis, Tennessee*
Originating Case No. : 2:17-cv-02120

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Jennifer Earl
Case Manager
Direct Dial No. 513-564-7066

cc: Mr. Thomas M. Gould

Enclosure

No mandate to issue

No. 17-5868

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ELAINE BLANCHARD, et al.,)
)
Plaintiffs-Appellants)
)
and)
)
ACLU OF TENNESSEE,)
)
Intervenor Plaintiff,)
)
v.)
)
CITY OF MEMPHIS, TENNESSEE,)
)
Defendant-Appellee.)

FILED Jan 17, 2018 DEBORAH S. HUNT, Clerk
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ORDER

Before: ROGERS, SUTTON, and BUSH, Circuit Judges.

Plaintiffs Elaine Blanchard, Keedran Franklin, Paul Garner, and Bradley Watkins appeal the district court’s dismissal of their complaint for lack of standing to pursue the litigation. The clerk ordered the parties to show cause why the appeal should not be dismissed as being taken from a non-final, non-appealable order because the Intervenor Plaintiff’s claims remained pending. Plaintiffs respond, and Defendant, the City of Memphis, Tennessee, replies.

We are vested with jurisdiction over final decisions of the district courts. 28 U.S.C. § 1291. A final decision is one “that ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 373 (1981) (internal citation omitted). Plaintiffs do not dispute that the district court’s order is

No. 17-5868

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not final. Instead, they ask us not to dismiss their appeal until the district court rules on its motion to certify an immediate appeal under Federal Rule of Civil Procedure 54(b). The district court, however, denied Plaintiff's motion to certify its order as a final judgment for an interlocutory appeal under Rule 54(b). In the absence of proper certification for an interlocutory appeal under Rule 54(b), an order disposing of fewer than all claims in a civil action is not immediately appealable. *Gen. Acquisition, Inc. v. GenCorp, Inc.*, 23 F.3d 1022, 1026 (6th Cir. 1994).

The appeal is **DISMISSED** for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written over a horizontal line.

Deborah S. Hunt, Clerk