

United States Court of Appeals  
For the Eighth Circuit

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No. 20-2312

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Brian Hutchcroft-Darling

*Plaintiff - Appellant*

v.

Justin Boecker

*Defendant*

Jerry A. Vander Sanden

*Defendant - Appellee*

City of Cedar Rapids

*Defendant*

Linn County, Iowa

*Defendant - Appellee*

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Appeal from United States District Court  
for the Northern District of Iowa - Cedar Rapids

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Submitted: March 11, 2021

Filed: March 17, 2021

[Unpublished]

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Before GRUENDER, WOLLMAN, and GRASZ, Circuit Judges.

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PER CURIAM.

Brian Hutchcroft-Darling appeals following the district court's<sup>1</sup> adverse grant of partial summary judgment in his civil rights action. Although the parties have not raised the issue, we conclude that we lack jurisdiction to entertain this appeal. *See Huggins v. FedEx Ground Package Sys., Inc.*, 566 F.3d 771, 773 (8th Cir. 2009) (stating that where it appears jurisdiction is lacking, appellate courts are obligated to consider sua sponte jurisdictional issues). Specifically, there is no final judgment because Hutchcroft-Darling has claims still pending in the district court, *see* 28 U.S.C. § 1291 (stating that courts of appeals have jurisdiction of appeals from final decisions); *Thomas v. Basham*, 931 F.2d 521, 523 (8th Cir. 1991) (stating that an appeal was premature when some claims remained pending), and none of the exceptions to the final-judgment rule apply, *see Huggins*, 566 F.3d at 775 (interlocutory appeal under 28 U.S.C. § 1292(b)); *Krein v. Norris*, 250 F.3d 1184, 1187 (8th Cir. 2001) (collateral-order doctrine); *Thomas*, 931 F.2d at 523 (Fed. R. Civ. P. 54(b) certification). Accordingly, we dismiss the appeal as premature.

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<sup>1</sup>The Honorable Leonard T. Strand, Chief Judge, United States District Court for the Northern District of Iowa.