

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

F I L E D

July 28, 2009

No. 09-60021
Summary Calendar

Charles R. Fulbruge III
Clerk

MICHAEL TILLMAN,

Plaintiff - Appellant

v.

SOUTHERN WOOD PRESERVING OF HATTIESBURG INC,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Mississippi
No. 2:07-CV-170

Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Plaintiff-appellant Michael Tillman appeals the district court's grant of a partial summary judgment in this Title VII suit in which he alleges that his employer retaliated against him for filing a previous discrimination suit, created a hostile work environment, and constructively discharged him. The district court's order, denominated "Judgment," dismissed Tillman's constructive discharge claim and his claims based on events occurring before September 17,

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

2005. Other claims remain to be adjudicated. As Federal Rule of Civil Procedure 54(b) provides, “any order or other decision, however designated, that adjudicates fewer than all the claims . . . does not end the action as to any of the claims . . .” Although the district court did enter a judgment on the claims that it disposed of, the court did not expressly determine that there is no just reason for delay, as required by Rule 54(b). Accordingly, we have no jurisdiction and this appeal is DISMISSED.

Appeal DISMISSED. Costs shall be borne by Tillman.