

United States Court of Appeals
For the Eighth Circuit

No. 14-1647

Rickey Harrell; Joyce Harrell

Plaintiffs - Appellants

v.

G4S Secure Solutions (USA), Inc., formerly known as Wackenhut Corp.

Defendant - Appellee

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: September 22, 2014
Filed: September 25, 2014
[Unpublished]

Before WOLLMAN, BYE, and SMITH, Circuit Judges.

PER CURIAM.

Alabama residents Rickey and Joyce Harrell appeal from the district court's¹ order granting judgment on the pleadings and dismissing with prejudice their tort

¹The Honorable Laurie Smith Camp, Chief Judge, United States District Court for the District of Nebraska.

claims against G4S Secure Solutions (USA), Inc. (G4S) in this diversity action. Because the district court's order did not address the counterclaims asserted by G4S against the Harrells, there is no final order from which an appeal lies, and we lack jurisdiction over the instant appeal. See 28 U.S.C. § 1291 (appellate courts have jurisdiction over appeals from final decisions of district courts); Miller v. Special Weapons, L.L.C., 369 F.3d 1033, 1034 (8th Cir. 2004) (appellate court lacks jurisdiction over judgment entered on complaint if counterclaim is pending when notice of appeal is filed even when counterclaim rests on same legal theory as resolved claims); Thomas v. Basham, 931 F.2d 521, 522-23 (8th Cir. 1991) (federal appellate court has obligation to consider its own jurisdiction *sua sponte* even if parties concede the issue). The appeal is dismissed as premature.
