

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

March 17, 2017

By the Court:

NAPOLEON FOSTER,] Appeal from the United
Petitioner-Appellant,] States District Court for
] the Northern District of
No. 17-1149	v.] Illinois, Eastern Division.
]
UNITED STATES OF AMERICA,] No. 1:13-cv-04193
Respondent-Appellee.]
] Robert W. Gettleman, Judge.

ORDER

A preliminary review of the short record indicates that the order appealed from may not be a final appealable judgment within the meaning of 28 U.S.C. § 1291.

Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the district court's civil docket pursuant to Fed. R. Civ. P. 58. *See Alonzi v. Budget Construction Co.*, 55 F.3d 331, 333 (7th Cir. 1995); *Cleaver v. Elias*, 852 F.2d 266 (7th Cir. 1988).

The district court has not issued a Rule 58 judgment in the present case, and for good reason.

In its order of January 3, 2017, the district court denied petitioner Napoleon Foster's § 2255 motion as to all issues "except the ACCA issue discussed in Section "C" above", and continued the matter for further proceedings. Most recently, the district court appointed counsel to handle what remains of petitioner Foster's § 2255 motion.

- over -

Exhibit A

No. 17-1149

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This appeal, therefore, appears premature. Accordingly,

IT IS ORDERED that petitioner-appellant Foster shall file, on or before March 31, 2017, a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal pursuant to Fed. R. App. P. 42(b) will satisfy this requirement. Briefing shall be suspended pending further court order.

NOTE: Caption document "JURISDICTIONAL MEMORANDUM". The filing of a Circuit Rule 3(c) Docketing Statement does not satisfy your obligation under this order.