

and “an express direction for the entry of judgment.” *Sears, Roebuck & Co. v. Mackey*, 351 U.S. 427, 434-35 (1956). Without these two requirements, the order “which adjudicates less than all the claims shall not terminate the action as to any of the claims” and “is subject to revision at any time.” *Id.*

This Court’s prior order dismissing plaintiff’s claims against defendant Livingston does not state that there is no just reason for delay nor does it contain an express direction for the entry of judgment. Without these two elements, the order lacks finality and cannot terminate the action against defendant Livingston despite the language granting dismissal.

ORDER

Defendant Livingston’s Motion to Alter Judgment (docket entry no. 21) is **GRANTED**. There is no just reason for delay of dismissal and the Court directs entry of judgment as to Defendant Livingston. It is **ORDERED** that Defendant Livingston is hereby finally **DISMISSED** from this lawsuit and the action against him is terminated. Defendant Livingston’s prior Motion to Sever and Enter a Final Judgment (docket entry no. 15) is **DENIED** as **MOOT**.

So Ordered and Signed

Feb 4, 2018



Ron Clark, United States District Judge