

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

MAR 02 1989

ROBERT L. HOECKER
Clerk

SOUTHWEST DRILLING, an Oklahoma
general partnership,

Plaintiff-Appellant,

and

SOUTHWESTERN DRILLING COMPANY, an Oklahoma
corporation; SOUTHWESTERN DRILLING MANAGEMENT
COMPANY, an Oklahoma corporation, general
partners of Southwestern Drilling; ROGER M.
BERNSTEIN, an individual; ROBERT GEE, an
individual; DOES 1-50 INCLUSIVE; JOHN L.
WRIGHT, an individual; WILLIAM R. DIXON,
an individual; JOHN M. YOECKEL, an individual;
CAPITAL CONCEPTS INVESTMENT CORP., a
California corporation,

Plaintiffs,

v.

MYRON R. PARR and GARY L. WEISS,

Defendants-Appellees,

v.

BILL G. SCHONES,

Third-Party-Defendant.

No. 88-1054
(D.C. No. 82-2308P)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before MOORE, ANDERSON, and EBEL, Circuit Judges.

*This order and judgment has no precedential value and shall not be cited, or used by any court within the Tenth Circuit, except for purposes of establishing the doctrines of the law of the case, res judicata, or collateral estoppel. 10th Cir. R. 36.3.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

In light of the court's decision in Lewis v. B.F. Goodrich Co., 850 F.2d 641 (10th Cir. 1988) and Federal Savings and Loan Insurance Corp. v. Huff, 851 F.2d 316 (10th Cir. 1988), appellant was given thirty days in which to secure a certification pursuant to Fed. R. Civ. P. 54(b), or an order or judgment adjudicating all remaining claims. Appellant has failed to comply with this court's order.

Accordingly, the appeal is dismissed.

The mandate shall issue forthwith.

ENTERED FOR THE COURT
PER CURIAM