

United States Court of Appeals
For the Eighth Circuit

No. 14-3483

Aaron Olson

Plaintiff - Appellant

v.

James Kambiri; Ramsey County; State of Minnesota; Lori Swanson, Minnesota
Attorney General; United States Department of State; John Kerry, U.S. Secretary
of State

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: March 31, 2015
Filed: April 28, 2015
[Unpublished]

Before BYE, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Aaron Olson appeals following the district court's¹ order granting certain defendants' motions to dismiss his action under 42 U.S.C. § 1983 and the Americans with Disabilities Act (ADA). While the issue of jurisdiction has not been raised by all appellees, we find that jurisdiction is lacking. See Williams v. Cnty. of Dakota, Neb., 687 F.3d 1064, 1067 (8th Cir. 2012) (every federal appellate court has special obligation to consider its own jurisdiction). Olson filed the instant notice of appeal (NOA), along with a motion for leave to appeal in forma pauperis (IFP), 124 days before final judgment was entered; and in his NOA, he stated he was continuing his litigation against one group of defendants. See 28 U.S.C. § 1291 (courts of appeals have jurisdiction of appeals from final decisions); FutureFuel Chem. Co. v. Lonza, Inc., 756 F.3d 641, 649 (8th Cir. 2014) (where NOA was not taken from final appealable order, it was ineffective to confer appellate jurisdiction); Thomas v. Basham, 931 F.2d 521, 521-24 (8th Cir. 1991) (appeal was premature where some claims remained pending). While the record contains no subsequent NOA, even assuming Olson filed another NOA when he filed his second motion for leave to appeal IFP, as he claims on appeal, that IFP motion was also filed well before final judgment was entered. See Dieser v. Cont'l Cas. Co., 440 F.3d 920, 924-25 (8th Cir. 2006) (later entry of judgment did not save prematurely filed NOA because, when NOA was filed, district court had not announced decision that would have been appealable if immediately followed by entry of judgment). Accordingly, we dismiss the appeal for lack of jurisdiction.

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Leo I. Brisbois, United States Magistrate Judge for the District of Minnesota.