United States Court of Appeals FOR THE EIGHTH CIRCUIT

1	No. 96-4093
Elmer Oberhellmann, beneficiary of Elmer Oberhellmann, Inc. Defined Benefit Pension Plan,	* * * * * *
Appellant,	* * *
Brian Hodak, also known as Bryon Hodak, Fiduciary of the Elmer Oberhellmann, Inc. Defined Benefit Pension Plan,	 * Appeal from the United States * District Court for the * Eastern District of Missouri. * [UNPUBLISHED]
Defendant,	*
Kristin Petersen Oberhellmann, Fiduciary and Trustee of the Elmer Oberhellmann, Inc. Defined Benefit Pension Plan; Kristin Petersen Oberhellmann, Individually; Joann Newman; Bradley Winters, Appellees.	* * * * * * * * * * * * * * *
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Submitted: May 21, 1998

Filed: May 27, 1998

Before BOWMAN, Chief Judge, WOLLMAN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Elmer Oberhellmann filed a notice of appeal from the district court's¹ order dismissing his action. Because that order did not dispose of Kristin Oberhellmann's counterclaim against Elmer Oberhellmann, it was not a final order and we lack jurisdiction to review it. See 28 U.S.C. § 1291; Fed. R. Civ. P. 54(b); Thomas v. Basham, 931 F.2d 521, 522-23 (8th Cir. 1991). We therefore dismiss the appeal.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Jean C. Hamilton, Chief Judge, United States District Court for the Eastern District of Missouri.