

Jimmy D. REYNOLDS v. Jerry WATTS, A Law Enforcement
Officer in his Official Capacity and Personally

93-507

864 S.W.2d 870

Supreme Court of Arkansas
Opinion delivered December 6, 1993

APPEAL & ERROR — JUDGMENT AS TO FEWER THAN ALL THE PARTIES —
APPEAL DISMISSED FOR FAILURE TO COMPLY WITH ARK. R. CIV. P.
54(b). — Where the trial court granted a motion to dismiss only
one of two defendants, and the action was still pending, the appel-
late court dismissed the appeal for failure to comply with Ark. R.
Civ. P. 54(b), an indispensable element of jurisdiction addressed
by the court on its own.

Appeal from Newton Circuit Court; *Robert M. McCorkin-
dale II*, Judge; appeal dismissed.

Woodruff Law Firm, by: *Ronald G. Woodruff*, for appellant.

Winston Bryant, Att’y Gen., by: *Victra L. Fewell*, Asst. Att’y
Gen., for appellee.

STEELE HAYS, Justice. Appellant Jimmy D. Reynolds brought

this action against Officers Jerry Watts (appellee) and Harold Moe, alleging use of excessive force in the arrest of Jimmy D. Reynolds. The trial court granted a motion to dismiss as to Harold Moe and Reynolds has appealed. The action still pends as to Jerry Watts.

We dismiss the appeal for lack of compliance with Ark. R. Civ. P. 54(b), an indispensable element of our jurisdiction which we address on our own. *State Farm Mutual Automobile Insurance Company v. Thomas*, 312 Ark. 429, 850 S.W.2d 4 (1993).

Appeal Dismissed.
