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U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
MIDDLE DIST. OF ALA.

GRA P. HACKE, E. CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

No. 03-10100-F

MAR 18 2003

THOMAS K. KAHN
CLERK

LINDA LAUBE,
THERESA BARRON, et al.,

Plaintiffs-Appellees,

versus

MICHAEL HALEY,
Commissioner of the Alabama Dep't of Corrections, in his official capacity,
GLADYS DEESE,
Warden of Julia Tutwiler Prison for Women, in her official capacity, et al.,

Defendants-Appellants,

NAPHCARE, INC.,
Health Care Provider for Alabama Department of Corrections, in its official capacity, et al.,

Defendants,

BOB RILEY,
Governor of Alabama, in his official capacity,

Defendant-Appellant.

Appeal from the United States District Court for the
Middle District of Alabama

Before CARNES and WILSON, Circuit Judges.

BY THE COURT:

This appeal may PROCEED in part and is DISMISSED in part. The appeal may proceed from the district court's December 2, 2002, opinion, "Order and Preliminary Injunction," and "Writ of Injunction." See 28 U.S.C. §§ 1291, 1292; United States v. State of Alabama, 828 F.2d 1532, 1537, 1538 n.16 (11th Cir. 1987); McDougald v. Jenson, 786 F.2d 1465, 1472 (11th Cir. 1986);

Fernandez-Rogue v. Smith, 671 F.2d 426, 429 (11th Cir. 1982). The appeal is dismissed from the December 2, 2002, order denying the appellants' motions to dismiss, since that order is neither final nor immediately appealable. See 28 U.S.C. § 1291; Pitney Bowes, Inc. v. Mestre, 701 F.2d 1365, 1368 (11th Cir. 1983); see also Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 546, 69 S.Ct. 1221, 1225-26, 93 L.Ed. 1528 (1949).

A True Copy - Attested:
Clerk, U. S. Court of Appeals,
Eleventh Circuit

By: Mildred K. Norwood
Deputy Clerk
Atlanta, Georgia