

FILED

UNITED STATES COURT OF APPEALS

APR 01 2013

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARY CUMMINS,

Plaintiff - Appellant,

v.

AMANDA LOLLAR, an individual
person, AKA Bat World Sanctuary and
BAT WORLD SANCTUARY, an
unknown business entity, et al.,

Defendants - Appellees.

No. 13-55340

D.C. No. 2:11-cv-08081-DMG
Central District of California,
Los Angeles

ORDER

Before: PREGERSON, GRABER, and BEA, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable. *See* Fed. R. Civ. P. 54(b); *Chacon v. Babcock*, 640 F.2d 221, 222 (9th Cir. 1981) (order is not appealable unless it disposes of all claims as to all parties or judgment is entered in compliance with rule); *see also WMX Techs., Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc) (dismissal of complaint with leave to amend is not appealable). Consequently, this appeal is dismissed for lack of jurisdiction.

The motion to proceed in forma pauperis is denied as moot.

DISMISSED.