

March 22, 2010

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUITElisabeth A. Shumaker
Clerk of CourtERICA HOFFMAN; GARY
HOFFMAN; SANDRA HOFFMAN,
Individually,

Plaintiffs - Appellees,

v.

FORD MOTOR COMPANY, a
Delaware corporation,

Defendant - Appellant.

No. 09-1574

(D.C. No. 1:07-CV-00081-REB-CBS)

ORDERBefore **TACHA, O'BRIEN** and **TYMKOVICH**, Circuit Judges.

This appeal is dismissed for lack of jurisdiction. At the time the notice of appeal was filed, the district court had not entered a final appealable order.

“Under 28 U.S.C. § 1291, we have jurisdiction to reach the merits of an appeal from the denial of a Rule 60(b) motion, so long as *the underlying ruling or judgment was a final decision* of the district court.” *Servants of the Paraclete v. Doe*, 204 F.3d 1005, 1008 (10th Cir. 2000) (internal quotation omitted) (emphasis added).

Moreover, the fact that the district court has since entered judgment does

not render the notice of appeal valid, as argued by the plaintiffs. *See Nolan v. U.S. Dept. of Justice*, 973 F.2d 843, 846 (10th Cir. 1992) (“Merely submitting a final district court order for the purpose of perfecting a premature appeal does not automatically effectuate the appeal of every judgment or order rendered in the entire case.”).

APPEAL DISMISSED.

Entered for the Court,
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter
Deputy Clerk/Jurisdictional Attorney