

September 27, 2010

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

GEORGE W. WALKER,

Plaintiff - Appellant,

v.

UNIVERSITY OF COLORADO -
ALL WHITE BOARD OF REGENTS,

Defendant - Appellee.

No. 10-1397

(D.C. No. 1:09-CV-01690-PAB-MEH)

(D. Colo.)

ORDER

Before **LUCERO, HARTZ, and O'BRIEN**, Circuit Judges.

The court has considered appellant's response to its show cause order issued on August 30, 2010 and orders that this appeal be dismissed for lack of appellate jurisdiction.

No final, appealable order or judgment has yet been entered by the district court. Although the district court has dismissed Mr. Walker's Title VII retaliation claim and his due process claim, his other claims remain pending and no certification under Fed. R. Civ. P. 54 (b) has been granted. Accordingly, this court lacks jurisdiction to consider this appeal. *See Atiya v. Salt Lake County*, 988 F.2d 1013, 1016 (10th Cir. 1993). This court does not have jurisdiction

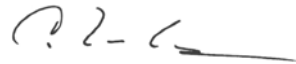
under the collateral order doctrine, *see Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949), and it does not appear that any other exception to the final judgment rule applies.

When the district court enters a final, appealable judgment, Mr. Walker may appeal, if he wishes.

APPEAL DISMISSED.

Entered for the Court.
ELISABETH SHUMAKER, Clerk of Court

by:



Christine Van Coney
Counsel to the Clerk