

September 20, 2010

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

QUAYLAN M. JEFFERS,

Defendant - Appellant.

Nos. 10-6197 & 10-6198
(D.C. No. 5:10-CR-00116-F-1)
(W.D. Okla.)

ORDER

Before **BRISCOE**, Chief Judge, **O'BRIEN** and **HOLMES**, Circuit Judges.

Although represented by counsel in the underlying criminal proceeding, Quaylan M. Jeffers was permitted by the district court to file two notices of appeal. One notice of appeal was directed to an order denying a motion filed by the defendant's attorney seeking leave to withdraw and the appointment of new counsel (Case No. 10-6197) and the other was directed to an order denying a motion to dismiss based on an alleged violation of the defendant's speedy trial rights (Case No. 10-6198).

Generally, interlocutory orders of district courts are not permitted appellate review prior to the entry of final judgment. Coopers & Lybrand v. Livesay, 437 U.S. 463 (1978); 28 U.S.C. § 1291. An order denying a motion for dismissal based on speedy trial rights is not immediately appealable. United States v. MacDonald, 435 U.S. 850, 856-61 (1978).

Similarly, an order denying a motion for the appointment of counsel is not immediately appealable, because such an order is also fully reviewable after final judgment has been entered. Cotner v. Mason, 657 F.2d 1390 1391 (10th Cir. 1981). Except in a few specific situations not present here, the jurisdiction of this court is limited to review of the district court's actions only after a final judgment has been entered. Albright v. UNUM Life Ins. Co. of Am., 59 F.3d 1089, 1092 (10th Cir. 1995).

Mr. Jeffers was permitted to show cause why these appeals should not be dismissed for lack of appellate jurisdiction. Mr. Jeffers responded, but his court-appointed counsel did not. In summary, Mr. Jeffers simply argues why he thinks the district court erred and does not address the jurisdictional issues raised in the court's show cause order.

There having been no final judgment nor immediately appealable order entered in the district court as yet, there is no basis for this court to exercise jurisdiction at this time. The appeals are accordingly dismissed. If there is some basis for seeking rehearing from this decision, the court would accept a petition for rehearing from Mr. Jeffers' counsel, but not from Mr. Jeffers himself.

Entered for the Court,
ELISABETH A. SHUMAKER
Clerk of Court



by: Douglas E. Cressler
Chief Deputy Clerk