

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 24, 2013

Elisabeth A. Shumaker
Clerk of Court

VINCENT E. LOGGINS,

Petitioner - Appellant,

v.

JOHN W. SUTHERS, The Attorney
General of the State of Colorado,

Respondent - Appellee.

No. 13-1365
(D.C. No. 1:13-CV-01790-BNB)

ORDER

Before **KELLY**, **HARTZ**, and **HOLMES**, Circuit Judges.

This court lacks jurisdiction over this appeal because no appealable order has been entered by the district court.

This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291, and specific types of interlocutory orders not applicable here. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Cunningham v. Hamilton County*, 527 U.S. 198, 204 (1999) (quoting *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521-22 (1988)). The petitioner’s 28 U.S.C. § 2254 petition is still pending in the district court.

Accordingly, this court lacks jurisdiction and this appeal is **DISMISSED**.

Entered for the Court

ELISABETH A. SHUMAKER, Clerk

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

by: Ellen Rich Reiter

Jurisdictional Attorney