

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 22, 2013

Elisabeth A. Shumaker
Clerk of Court

LARRY NEIL GRANT,

Plaintiff - Appellant,

v.

LT. BERNADETTE SCOTT; LT. DENNY
OWENS; LT. FELSIEN; SGT.
CLEMENT; C/O BEHRENDSEN,

Defendants - Appellees.

No. 13-1427
(D.C. No. 1:13-CV-00153-KMT)

ORDER

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

We raise *sua sponte* the question of whether this court has jurisdiction to consider this appeal. Plaintiff-Appellant Larry Neil Grant has filed a notice of appeal from the presiding magistrate judge's orders denying his motion to exclude the Colorado Attorney General's office from representing the defendants in the district court proceedings and granting in part the defendants' motion to dismiss.

Generally, this court's appellate jurisdiction is restricted to review of final judgments. 28 U.S.C. § 1291; *see also United States v. Nixon*, 418 U.S. 683, 690-92 (1974); *Albright v. Unum Life Ins. Co.*, 59 F.3d 1089, 1092 (10th Cir. 1995). A final decision is one that "ends the litigation on the merits and leaves nothing for the court to do but execute judgment." *Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 204

(1999) (internal quotations omitted). Under the collateral order doctrine, certain interlocutory orders are immediately appealable. *See Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949). However, an order denying a motion to disqualify counsel for the opposing party in a civil case is not a collateral order which is immediately appealable. *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 379 (1981).

Because the order granting in part the defendants' motion to dismiss did not dispose of all of Mr. Grant's claims and because the order denying Mr. Grant's motion to exclude counsel is not an immediately appealable collateral order, we lack jurisdiction to consider this interlocutory appeal.

Appeal dismissed.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish.

ELISABETH A. SHUMAKER, Clerk