

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

March 26, 2014

**Elisabeth A. Shumaker
Clerk of Court**

YOUNG YIL JO,

Plaintiff - Appellant,

and

YURI TZUL; SALVADOR ALEJO;
AGAPITO JARAMILLO; GUSTAVO
RUBIO; WILLIAM SANTOS; MARIO
GARCIA; IVAN PEREZ; ARLON
SANTANDER; MARTIN ROSAS; JOSE
ALCANTARA; LUIS QUINTANILLA;
ERICK N. BOCH; BERTHARDO
FERNANDEZ; SANTOS DIAZ; XING
LIN WANG; OMAR TURCIOS; ROGER
TALANCON; CRESCENCIO
BARRAZA; THO LE; BERTRAM C.
JOHNSON,

Plaintiffs,

v.

SIX UNKNOWN NAMES AGENTS, or
Mr. President of the United States Barack
Obama,

Defendant - Appellee.

No. 14-1103
(D.C. No. 1:14-CV-00729-BNB)

ORDER

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

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

Except in certain limited circumstances that are not present here, this court's appellate jurisdiction is limited to review of final decisions. 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).

Moreover, except for proceedings conducted by a magistrate judge with the consent of the parties pursuant to 28 U.S.C. § 636(c), a court of appeals lacks jurisdiction to consider an appeal taken directly from a magistrate judge's order. *Colo. Bldg. & Constr. Trades Council v. Anderson Constr.*, 879 F.2d 809, 811 (10th Cir. 1989).

Here, the order being appealed is not final or otherwise immediately appealable.
Appeal dismissed.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk