

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 25, 2014

Elisabeth A. Shumaker
Clerk of Court

JOHN PORTER WILCOX,

Plaintiff - Appellant,

v.

SUSANA MARTINEZ, Governor, et al.,

Defendants - Appellees.

No. 14-2101
(D.C. No. 2:14-CV-00308-MV-SMV)

ORDER

Before **TYMKOVICH**, **BACHARACH**, and **PHILLIPS**, Circuit Judges.

This is an appeal from non-final orders issued by the magistrate judge denying the plaintiff's motions for appointment of counsel. We dismiss for lack of appellate jurisdiction.

The magistrate's decision is not directly appealable to this court. Except for proceedings conducted by the magistrate judge on consent of the parties pursuant to 28 U.S.C. § 636(c), a court of appeals lacks jurisdiction to hear an appeal taken directly from a decision of a magistrate judge. *See Colorado Building & Construction Trade Council v. B.B. Andersen Construction Co.*, 879 F.2d 809 (10th Cir. 1989). Moreover, the denial of

the appointment of counsel is not immediately appealable. *See Cotner v. Mason*, 657 F.2d 1390 (10th Cir. 1981).

APPEAL 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