

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 3, 2015

**Elisabeth A. Shumaker
Clerk of Court**

JAN B. HAMILTON,

Petitioner - Appellant,

v.

DON BIRD, Pitkin County Jail,

Respondent - Appellee.

No. 15-1404
(D.C. No. 1:15-CV-01791-GPG)
(D. Colo.)

JAN B. HAMILTON,

Petitioner - Appellant,

v.

D. MULDOON, Capt. Park County; DON
BIRD, Pitkin County; CYNTHIA
COFFMAN, The Attorney General of the
State of Colorado,

Respondents - Appellees.

No. 15-1405
(D.C. No. 1:15-CV-01792-GPG)
(D. Colo.)

JAN BARTON HAMILTON,

Petitioner - Appellant,

v.

DON BIRD, Pitkin County Jail; D.
MULDOON, Captain, Fairplay, CO; THE
ATTORNEY GENERAL OF THE STATE
OF COLORADO,

Respondents - Appellees.

No. 15-1407
(D.C. No. 1:15-CV-01882-GPG)
(D. Colo.)

JAN B. HAMILTON,

Petitioner - Appellant,

v.

DON BIRD, Pitkin Co. Jail; D.
MOULDOON, Capt. Park County Jail;
CYNTHIA COFFMAN, Attorney General
for the State of Colorado,

Respondents - Appellees.

No. 15-1408
(D.C. No. 1:15-CV-01879-GPG)
(D. Colo.)

ORDER

Before **LUCERO**, **GORSUCH**, and **BACHARACH**, Circuit Judges.

We raise *sua sponte* the question of whether this court has jurisdiction to consider these four appeals. The Appellant, Jan B. Hamilton, sent a letter to this court expressing her desire to appeal her six district court cases: one civil rights case and five habeas proceedings under 28 U.S.C. § 2254. We treated her letter as a misdirected notice of appeal and sent it to the district court for filing in each of her six district court cases, resulting in six separate appeals in this court. By separate order, we dismiss Ms. Hamilton's appeal in the civil rights case for lack of jurisdiction. *See Hamilton v. Boyd*, No. 15-1401 (10th Cir. Nov. 3, 2015). As for the five habeas appeals, appeal No. 15-1400 is proceeding. As set forth below, we conclude we lack jurisdiction to consider the other four.

Generally, this court's appellate jurisdiction is limited to review of final decisions. 28 U.S.C. § 1291. 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).

In these four appeals, Ms. Hamilton filed her notice of appeal after the magistrate judge below directed Ms. Hamilton to cure deficiencies in her § 2254 applications, but before the district court had ruled on her amended § 2254 applications. Because the district court had not yet entered a final decision in any of these four cases at the time Ms. Hamilton filed her misdirected notice of appeal, we lack jurisdiction to consider these four appeals. Our dismissal of these appeals now does not preclude Ms. Hamilton from filing a new notice of appeal in the district court once the district court has entered its final decision in the underlying cases. In this regard, we note that the district court entered judgment in D. Colo. No. 15-CV-1791 on October 28, 2015. Ms. Hamilton will need to file a new and timely notice of appeal in order to appeal the district court's judgment in that case.

APPEALS 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