

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 31, 2016

Elisabeth A. Shumaker
Clerk of Court

TRAVIS LENARD MIKADO,

Petitioner - Appellant,

v.

JOE M. ALLBAUGH,

Respondent - Appellee.

No. 16-6145
(D.C. No. 5:15-CV-01389-D)
(W.D. Okla.)

ORDER

Before **TYMKOVICH**, Chief Judge, **HARTZ** and **GORSUCH**, Circuit Judges.

This is an appeal from a recommendation of the magistrate judge. We dismiss for lack of appellate jurisdiction.

The magistrate's recommendation 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); *SEC v. Merrill Scott & Assoc., Ltd*, 600 F.3d 1262, 1269 (10th Cir. 2010). “‘Properly filed objections resolved by the district court are a prerequisite to our review of a magistrate judge’s order under [28 U.S.C.] § 636(b)(1)(A).’” *Id.* (quoting *Hutchinson v. Pfeil*, 105 F.3d 562, 566 (10th Cir. 1997)).

Moreover, no final decision has been entered by the district court. This court has jurisdiction to review only final decisions, *see* 28 U.S.C. § 1291, and specific types of interlocutory orders not applicable here. A final decision is one that disposes of all issues on the merits and leaves nothing for the court to do but execute the judgment. *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521 (1988).

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