

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 6, 2017

Elisabeth A. Shumaker
Clerk of Court

ARTHUR MOORE,

Plaintiff - Appellant,

v.

LITTLE, Captain; K. ROBERTS, Case
Manager; KYLE ROBERTS,

Defendants - Appellees.

No. 17-1437
(D.C. No. 1:16-CV-00198-PAB-STV)
(D. Colo.)

ORDER

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

We raise *sua sponte* the question of whether this court has jurisdiction to consider this appeal. Arthur James Moore, proceeding pro se, filed a notice of appeal of the magistrate judge's November 6, 2017 minute order, denying Mr. Moore's request to stay all proceedings and deadlines in the underlying action.

The November 6, 2017 minute order did not end the litigation, and proceedings in district court are ongoing. Generally, this court's jurisdiction is limited to review of final decisions. 28 U.S.C. § 1291; *see also Utah v. Norton*, 396 F.3d 1281, 1286 (10th Cir. 2005) (describing final decisions as those that end the litigation on the merits and leave nothing for the court to do but execute the judgment). Additionally, an order entered by a magistrate judge is generally not immediately appealable. *See Phillips v. Beierwaltes*, 466

F.3d 1217, 1222 (10th Cir. 2006) (“Magistrates may issue orders as to non-dispositive pretrial matters, and district courts review such orders under a clearly erroneous or contrary to law standard of review.”) (citation omitted). An order entered by a magistrate judge is not directly appealable to this court unless the magistrate judge was proceeding on a designation by the district court and with the consent of the parties under 28 U.S.C. § 636(c). *See id.* at 1220-21; *Colo. Bldg. & Constr. Trades Council v. B.B. Andersen Constr. Co.*, 879 F.2d 809, 811 (10th Cir. 1989).

Because the district court has not yet entered a final appealable order, we lack jurisdiction to consider this appeal.

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Lindy Lucero Schaible", written in a cursive style.

by: Lindy Lucero Schaible
Counsel to the Clerk