

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 5, 2017

Elisabeth A. Shumaker
Clerk of Court

JEFFREY J. SPERRY,

Plaintiff - Appellant,

v.

LINDSEY WILDERMUTH; ANDREW
LUCHT; CHRISTOPHER ROSS; KEVIN
BOSCH; (fnu) HUNT; COLLETTE
WINKLEBAUER; REX PRYOR; K. LEE;
LARRY HOSHAW; DANIEL JACKSON;
PHILLIP PATTERSON; ROBERT
SAPIEN; HANNAH BOOTH; JAMES
HEIMGARTNER; JOHNNIE
GODDARD; DOUGLAS BURRIS; BILL
SHIPMAN; RAYMOND ROBERTS;
CORIZON HEALTH, INC.; REBECCA
(LNU); (FNU) BRUNDAGE; UNION
SUPPLY GROUP, INC.; JACK CAUBLE;
DON RAYMOND,

Defendants - Appellees.

No. 17-3183
(D.C. No. 5:16-CV-03222-SAC-DJW)
(D. Kan.)

ORDER

Before **TYMKOVICH**, Chief Judge, **KELLY** and **MATHESON**, Circuit Judges.

The plaintiff filed a notice of appeal to this court following the entry of an order issued by the magistrate judge denying his motion to reconsider the order directing him to file an amended complaint. We dismiss for lack of jurisdiction.

The magistrate's order 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, no final or otherwise appealable order has been entered by the district court. *See* 28 U.S.C. § 1291; *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521 (1988) (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).

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