

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 23, 2018

Elisabeth A. Shumaker
Clerk of Court

KENT G. SAVAGE,

Plaintiff - Appellant,

v.

MARY FALLIN, individually and in her
official capacity as Governor of the State of
Oklahoma; ROBERT PATTON,
individually and in his official capacity as
Director, Oklahoma Department of
Corrections; JASON BRYANT,
individually and in his official capacity as
Warden, James Crabtree Correctional
Center; JOE ALLBAUGH, Director,
Oklahoma Department of Corrections,
official capacity,

Defendants - Appellees.

No. 18-6197
(D.C. No. 5:15-CV-01194-HE)
(W.D. Okla.)

ORDER

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

This matter comes on for consideration following a review of the preliminary record, the district court docket and the plaintiff's pleading entitled "Interlocutory Appeal of Appointment of Counsel." Upon consideration thereof, we determine that this court lacks jurisdiction over this appeal because the order being appealed is not final or otherwise immediately appealable.

The plaintiff appeals an interlocutory order of the district court denying his motion for appointment of counsel. The matter is still proceeding in the district court.

This court has jurisdiction to review only final decisions, 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).

An order denying appointment of counsel is not such an order and is not immediately appealable under any exception to the final judgment rule. *See Cotner v. Mason*, 657 F.2d 1390, 1391-92 (10th Cir. 1981).

Accordingly, this appeal is **DISMISSED**. The plaintiff's *Request for Emergency Stay* is denied.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

by: Ellen Rich Reiter
Jurisdictional Attorney