

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**March 26, 2021**

**Christopher M. Wolpert  
Clerk of Court**

ROBERT BARROCA,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 21-3038  
(D.C. No. 2:19-CV-02688-DDC-TJJ)  
(D. Kan.)

**ORDER**

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

Appellant Robert Barroca, proceeding pro se, filed a notice of appeal of the district court's January 27, 2021 Memorandum and Order that granted in part and denied in part the United States' motion for partial dismissal or for partial summary judgment. The district court dismissed in part and granted summary judgment in part on certain claims, but the district court did not dispose of all of Mr. Barroca's claims. The case remains ongoing in the district court.

Upon the opening of this appeal, this court entered an order directing Mr. Barroca to file a written response addressing whether this court has jurisdiction to consider his appeal. Mr. Barroca has filed a response acknowledging that the district court has allowed certain claims to proceed while disposing of other claims.

We have jurisdiction over appeals from final decisions of the district courts under 28 U.S.C. § 1291. Final decisions are those that “end the litigation on the merits and leave nothing for the court to do but execute the judgment.” *See Utah v. Norton*, 396 F.3d 1281, 1286 (10th Cir. 2005). “[A]ny order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties’ rights and liabilities. Fed. R. Civ. P. 54(b). “[T]o be final, a decision must reflect the termination as to all parties and causes of action.” *Dodge v. Cotter Corp.*, 328 F.3d 1212, 1221 (10th Cir. 2003).

The district court’s January 27, 2021 order adjudicated some but not all of Mr. Barroca’s claims. Furthermore, the district court has not directed entry of final judgment under Fed. R. Civ. P. 54(b) to allow for immediate appellate review. Because the district court has not entered a final decision that disposes of all of Mr. Barroca’s claims, we lack jurisdiction to consider this appeal.

**APPEAL DISMISSED.**

Entered for the Court  
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "Sunil N. Rao".

By: Sunil N. Rao  
Counsel to the Clerk