

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 3, 2022

Christopher M. Wolpert
Clerk of Court

MARQUISE D. HARRIS,

Plaintiff - Appellant,

and

DEDRICK D. HARRIS,

Plaintiff,

v.

MARK ROMERO; JESSY AVENDANO;
SEARGEANT MARTINEZ; ROBERT J.
FOSTER; EMILY CAPSER; OFFICER
NOVOTNY; CHIEF PAZEN; DIK
KUSHDILLIAN; BETH MCCANN;
JOHN DAVIDSON; GINEN HATTER-
PEREZ; JAMES DIXION; OFFICER
REINER; OFFICER JENKINS; CITY
AND COUNTY OF DENVER; JOHN
DOE,

Defendants - Appellees.

No. 22-1113
(D.C. No. 1:20-CV-01396-RMR-NYW)
(D. Colo.)

DEDRICK D. HARRIS,

Plaintiff - Appellant,

and

MARQUISE D. HARRIS,

Plaintiff,

v.

No. 22-1115
(D.C. No. 1:20-CV-01396-RMR-NYW)
(D. Colo.)

MARK ROMERO; JESSY AVENDANO;
SEARGEANT MARTINEZ; ROBERT J.
FOSTER; EMILY CAPSER; OFFICER
NOVOTNY; CHIEF PAZEN; DIK
KUSHDILLIAN; BETH MCCANN;
JOHN DAVIDSON; GINEN HATTER-
PEREZ; JAMES DIXON; OFFICER
REINER; OFFICER JENKINS; CITY
AND COUNTY OF DENVER; JOHN
DOE,

Defendants - Appellees.

ORDER

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

These related matters are before the court on its April 14, 2022 jurisdictional show cause order, to which Appellants Marquise¹ and Dedrick Harris did not respond. Upon consideration of the district court's docket and the applicable law, the court dismisses the appeals for the reasons set forth below.

Appellants jointly filed the action underlying these appeals in the District of Colorado, asserting constitutional violations against the defendants. On March 29, 2021, the district court entered an order granting in part defendants' motion to dismiss and granting in part Appellants' motion to amend their complaint. More than a year later, Appellants filed separate notices of appeal challenging the March 29 order.

¹ The court notes that on May 18, 2022, Appellees filed a notice of suggestion of death, which stated that Mr. Marquise Harris passed away on or about May 5, 2022.

Generally, this court's appellate jurisdiction is limited to review of final decisions. 28 U.S.C. § 1921. A final decision is one that "ends the litigation on the merits and leaves nothing more for the court to do but execute the judgment." *Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 204 (1999). It "must reflect the termination of all matters as to all parties and causes of action." *Montez v. Hikenlooper*, 640 F.3d 1126, 1132 (10th Cir. 2011) (internal quotations omitted).

In addition, the timely filing of a notice of appeal is both mandatory and jurisdictional. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). In a civil case like this one, the notice of appeal must be filed within 30 days after entry of the order or judgment being appealed. 28 U.S.C. § 2107(a).

Here, the appeals were filed more than a year after the district court's order being appealed. Moreover, the district court has not yet entered a final judgment in the underlying case, and proceedings are ongoing. Accordingly, this court lacks jurisdiction to consider the appeals.

APPEALS DISMISSED.

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk