

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

March 10, 2025

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

ELET VALENTINE,

Plaintiff - Appellant,

v.

COMMISSIONER, SSA; STATE OF
COLORADO; COLORADO
DEPARTMENT OF HUMAN SERVICES,
(CDHS); COLORADO DEPARTMENT
OF DISABILITY DETERMINATION
SERVICES, (DDS); JEFFREY N.
HOLAPPA, Administrative Law Judge
(ALJ HOLAPPA); "JOSH", Caseworker in
his official capacity (SSA JEWELL);
"ROCHELLE", Caseworker in her official
capacity (SSA JEWELL); "KELLY",
Caseworker in her official capacity (SSA
JEWELL); SUJATHA, Caseworker in her
official capacity (DDS); "AMY",
Caseworker in her official capacity (DDS);
"JAMIE", Caseworker in official capacity
(DDS); "FRANCES", Caseworker in
official capacity (DDS); "CASSIE",
Caseworker in her official capacity (DDS),

Defendants - Appellees.

No. 25-1088
(D.C. No. 1:24-CV-00057-DDD-TPO)
(D. Colo.)

ORDER

Before **PHILLIPS, CARSON**, and **ROSSMAN**, Circuit Judges.

This matter is before us sua sponte to consider the court’s jurisdiction over this appeal. *See Hill v. Vanderbilt Cap. Advisors, LLC*, 702 F.3d 1220, 1223 (10th Cir. 2012) (this court has “an independent duty to examine [its] own jurisdiction”).

In the underlying proceeding, the district court directed appellant Elet Valentine to file an amended complaint by March 17, 2025. [ECF No. 174]. Rather than file an amended complaint, Ms. Valentine appealed from that order.

Upon careful consideration of the district court docket and the applicable law, we find that we lack jurisdiction over this appeal for the reasons articulated below.

This court generally has jurisdiction to hear appeals from “final decisions” of district courts. 28 U.S.C. § 1291. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute judgment.” *Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 204 (1999) (internal quotations omitted). “An order that . . . sets the stage for further trial court proceedings is not final.” *Hayes Fam. Tr. v. State Farm Fire & Cas. Co.*, 845 F.3d 997, 1003 (10th Cir. 2017).

The district court’s order directing Ms. Valentine to file an amended complaint did not end this litigation on the merits. Rather, the order Ms. Valentine seeks to appeal is one that “sets the stage for further trial court proceedings,” namely, further proceedings related to any amended complaint Ms. Valentine ultimately files. *Hayes Fam. Tr.*, 845 F.3d at 1003. It is neither a final order nor does it fit within any of the recognized exceptions to the finality doctrine. Accordingly, it is not presently appealable, and we are without jurisdiction to consider this appeal.

APPEAL DISMISSED.

Entered for the Court

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

CHRISTOPHER M. WOLPERT, Clerk