FILED
United States Court of Appeals
Tenth Circuit

January 14, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

MARILYN PURDY, individually and by and through its personal representative, Estate of James Purdy; SCOTT PURDY, individually; BROOKE GRENEMYER, individually; MATTHEW PURDY, individually,

Plaintiffs - Appellees,

v.

REGGIE MARINELLI, Jefferson County Sheriff, in her official capacity; JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS; POLLY ABERNATHY, Detention Services Manager, LPC; ADELE MANN, Counselor; ROBERT DIEHL, Deputy; PETER NIELSEN, Deputy; KAITLYN TUEY, Deputy; SAMUEL VAN ALPHEN, Deputy; CHASE VAN WYK, Deputy; RICHARD VARGAS, Deputy; ALEX ESPARZA, Deputy; TINA MINDYKOWSKI, Deputy; SUSAN WISPELEARE, Inmate Services Manager; ALLEN ERDMANN, Deputy; ARIC MEYER, Deputy; KIMBERLY JENSEN, Deputy; K'LEIGH THOMAS, Deputy; and John and Jane Does No. 1-15,

Defendants - Appellants,

and

VITALCORE HEALTH STRATEGIES, LLC; ESMERALDA ZIEGELMANN; BRAYDEN SMITH, EMT; MYRA BROCK, RN; CASEY CASTANEDA,

No. 25-1419
(D.C. No. 1:25-CV-00556-SKC-TPO)
(D. Colo.)

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

LPN; MICHELLE BARRON, MD; KIM SANCHEZ, RN; LAVINA BUSBY, RN; MARSHALL MCCURDY, CP-C; MONICA JARRELL, NP; CURTIS MURPHY; HUNAIF DAR, MD; JERICA TALCOTT, RN; CECELIA BARBEITE, RN; BEVERLY CASAREZ, RN; ANGEL VARGAS, LPN; LILIA FERNANDEZ, RN; BREANNA ANDREWS, RN; MEGAN PAGE; CATHERINE ROWE, RN; ANIKA HENG, MA, LPC, LLC; TAMMY POPE, MS, LAC; EMILSA PEREDA, RN,

Defendants.

ORDER

Before **TYMKOVICH**, **MATHESON**, and **MORITZ**, Circuit Judges.

Plaintiffs, family members of James Purdy, filed the underlying civil action against the Jefferson County Board of County Commissioners, Jefferson County Sheriff, Jefferson County detentions and medical employees, and VitalCore Health Strategies, LLC, alleging a Fourteenth Amendment claim for deliberate indifference to serious medical needs under 42 U.S.C. § 1983, disability-related claims under the Americans with Disabilities Act, Rehabilitation Act, and Colorado Anti-Discrimination Act, a state law constitutional claim based on the failure to respond to serious medical needs, and a state law wrongful death claim.

Jefferson County Board of County Commissioners, Jefferson County Sheriff, and fifteen individual Jefferson County Sheriff's employees ("County Defendants") seek to

appeal the district court's "Order Overruling Objection to Magistrate Judge Order on Motion to Stay." In April 2025, County Defendants filed a motion to dismiss Plaintiffs' complaint, and in May 2025, County Defendants filed a motion to stay discovery and related proceedings pending resolution of their motion to dismiss. Following a June 17, 2025 hearing, the magistrate judge entered an oral decision granting in part and denying in part the motion to stay discovery. County Defendants filed objections. In an October 7, 2025 order, the district court overruled the objections and accepted and adopted the magistrate judge's discovery order. The district court has not yet ruled on County Defendants' motion to dismiss Plaintiffs' complaint, and the district court case is still in the discovery stage. County Defendants appeal asserting that they may appeal the denial of qualified immunity under the collateral order doctrine. Appellees have filed a motion to dismiss for lack of appellate jurisdiction asserting that this court lacks jurisdiction to review a pretrial discovery order. Appellants have filed a response, and Appellees have filed a reply. Upon consideration, we grant Appellees' motion to dismiss this appeal for lack of appellate jurisdiction.

We generally have jurisdiction to review final decisions of district courts. 28 U.S.C. § 1291. Under the collateral order doctrine, *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949), a district court's denial of a claim of qualified immunity, to the extent that it turns on an issue of law, is an appealable "final decision" within the meaning of section 1291 notwithstanding the absence of a final judgment. *Weise v. Casper*, 507 F.3d 1260, 1263 (10th Cir. 2007). Appellants request that we review the denial of their motion to stay discovery asserting that the district court implicitly denied

qualified immunity. An order postponing until trial a decision on a motion to dismiss based on qualified immunity falls within the collateral order doctrine and is appealable. *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992). We also have appellate jurisdiction where a district court decides a motion to dismiss without specifically addressing qualified immunity defenses. *Lowe v. Town of Fairland, Okla.*, 143 F.3d 1378, 1380 (10th Cir. 1998). However, none of these situations is present in this case. We note that after this appeal was filed, the district court entered an "Order Granting Motion to Certify Defendants' Interlocutory Appeal as Frivolous," stating that its discovery order "did not conclusively determine the Sheriff Defendants' entitlement to qualified immunity," and that it would rule on County Defendants' motion to dismiss "in due course." [DC ECF 140 at 3-4]. Because the district court's discovery order did not deny—explicitly or implicitly—County Defendants' qualified immunity defense and the district court intends to rule on County Defendants' motion to dismiss prior to trial, we cannot treat this appeal from a pretrial discovery order as an appeal from the denial of qualified immunity.

Appellants also assert that they should not be burdened with discovery until the district court has resolved the qualified immunity issue. However, County Defendants only invoke qualified immunity with respect to Plaintiffs' section 1983 claim. As the district court pointed out in its discovery order, "due to the related state law claim which affords no Defendant qualified immunity, the Sheriff Defendants will have to participate in discovery anyway." [DC ECF 119 at 4]. Appellants are seeking to appeal a pretrial discovery order, and we lack jurisdiction to review it. *Boughton v. Cotter Corp.*, 10 F.3d

746, 749 (10th Cir. 1993) ("This circuit has repeatedly held that discovery orders are not appealable under the *Cohen* doctrine."); *Graham v. Gray*, 827 F.2d 679, 681 (10th Cir. 1987) (dismissing interlocutory appeal from district court order denying motion for protection from discovery; noting "crucial distinctions between an order denying dismissal or summary judgment [based on qualifying immunity] and the discovery order in the instant case"); *see also Gansert v. Colorado Student Loan Program*, 122 Fed. Appx. 924, 925 (10th Cir. 2004) (dismissing for lack of jurisdiction appeal from order denying motion to stay proceedings pending ruling on motion for summary judgment raising qualified immunity defense).

Accordingly, we grant Appellees' motion to dismiss, and we dismiss this appeal for lack of jurisdiction.

APPEAL DISMISSED.

Entered for the Court

Per Curiam