

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 13, 2026

Christopher M. Wolpert
Clerk of Court

DAVID E. HILL,

Plaintiff - Appellant,

v.

D. BAYSORE, Warden; C. HARVEY,
Unit Manager; D. ENGLISH, Case
Manager; K. DELL, Trust Fund
Supervision,

Defendants - Appellees.

No. 26-1150
(D.C. No. 1:24-CV-02658-CNS-TPO)
(D. Colo.)

ORDER

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

This matter is before the court following the reinstatement of this appeal. On April 28, 2026, this court entered a show cause order challenging its jurisdiction over the district court's orders being appealed because they did not appear to be final appealable orders. Mr. Hill filed a *Memorandum of Law and Petition for Writ of Mandamus*, which this court construes as his response to the show cause order. In it, he appears to argue that these orders are appealable under the collateral order doctrine. *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546-47 (1949).

Generally, this court's appellate jurisdiction is limited to review of final decisions of the district courts within this circuit. 28 U.S.C. § 1291. 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). In other words, “[a] final judgment is one that terminates all matters as to all parties and causes of action.” *Utah v. Norton*, 396 F.3d 1281, 1286 (10th Cir. 2005) (internal quotation marks omitted). This court has held that the dismissal of a complaint rather than the action is not a final appealable order. *B. Willis, C.P.A., Inc. v. BNSF Ry. Corp.*, 531 F.3d 1282, 1296 n.15 (10th Cir. 2008) (“A dismissal of the complaint is ordinarily a non-final, nonappealable order (since amendment would generally be available), while a dismissal of the entire action is ordinarily final.”).

Here, the proceedings in the district court remain ongoing, and there is no final order or judgment to appeal. The district court denied various motions without prejudice and granted a stay because Mr. Hill has previously filed a separate notice of appeal in the same underlying case, depriving the district court of jurisdiction. *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). This court has also explicitly stated that an order staying litigation in the district court pending appeal is neither a final appealable order nor is it immediately appealable under the collateral order doctrine. *See Crystal Clear Commc’ns, Inc. v. Sw. Bell Tel. Co.*, 415 F.3d 1171, 1175 (10th Cir. 2005). Mr. Hill’s arguments invoking the collateral order doctrine are unpersuasive. This court is without jurisdiction to consider this appeal.

APPEAL DISMISSED.

Entered for the Court

Per Curiam