

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 21, 2009
Elisabeth A. Shumaker
Clerk of Court

CLARENCE E. GRISSOM, JR.,
Plaintiff - Appellant,

v.

RAY ROBERTS, Warden, El Dorado
Correctional Facility; CORRECT CARE
SOLUTIONS, health care services
department; EL DORADO MINIMUM
CLINIC; DANIEL A. JACKSON, CSI, El
Dorado Correctional Facility; (FNU)
BOKOR, A.R.N.P., correct care solutions,
El Dorado Correctional Facility;
GEORGE McNICKLE, M.D., El Dorado
Correctional Facility; DON
THOMPSON, El Dorado Correctional
Facility; R. SHERMAN, CSII, El Dorado
Correctional Facility; C. CASTLMAN,
COII, El Dorado Correctional Facility,

Defendants - Appellees.

No. 09-3264
(D.C. No. 5:09-CV-03128-SAC)

ORDER

Before **KELLY, BRISCOE**, and **GORSUCH**, Circuit Judges.

This is an appeal from a non-final district court memorandum and order, entered on August 24, 2009. The court has considered Mr. Grissom's "Motion for Reinstatement of an Appeal," apparently filed in response to this court's show cause order issued on

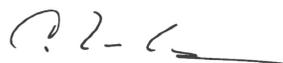
September 15, 2009, and orders that this appeal be dismissed for lack of appellate jurisdiction.

The order being appealed dismissed some of Mr. Grissom's claims and directed Mr. Grissom to file a supplement to his complaint. As of the date of this order, Mr. Grissom's case remains pending before the district court. No final, appealable judgment has been entered and no certification under Fed. R. Civ. P. 54 (b) has been granted. In addition, the district court has expressly declined to certify its decision for immediate appeal. Accordingly, the order being appealed is not final and this court lacks jurisdiction to consider this appeal. *See Atiya v. Salt Lake County*, 988 F.2d 1013, 1016 (10th Cir. 1993)(without the express determination and direction under Rule 54(b), "any order . . . which adjudicates fewer than all of the claims or the liabilities of all of the parties, is not a final appealable order.")

When the district court enters a final, appealable judgment, Mr. Grissom may file an appeal, if he wishes.

APPEAL DISMISSED.

Entered for the Court
ELISABETH SHUMAKER, Clerk of Court

by: 

Christine Van Coney
Counsel to the Clerk