

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

June 17, 2010

Elisabeth A. Shumaker  
Clerk of Court

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JORGE TORRES-LARANEGA,

Defendant - Appellant.

No. 10-2137  
(D.C. No. 1:08-CV-00889-MV-WDS)  
(D.C. No. 2:03-CR-02112-MV-1)

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**ORDER**

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Before **BRISCOE**, Chief Circuit Judge, and **LUCERO** and **HOLMES**, Circuit Judges.

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This court lacks jurisdiction over this appeal because no final or appealable order has been entered by the district court.

This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291, and specific types of interlocutory orders not applicable here. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Cunningham v. Hamilton County*, 527 U.S. 198, 204 (1999) (quoting *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521-22 (1988)). An order denying discovery is not immediately appealable. *See S.E.C. v. Merrill*

*Scott & Associates, Ltd.*, 600 F.3d 1262, 1270 (10th Cir. 2010) (pretrial discovery orders are generally not final or otherwise immediately appealable) (citing *Boughton v. Cotter Corp.*, 10 F.3d 746, 748 (10th Cir. 1993)).

Appeal **DISMISSED**.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk



Ellen Rich Reiter  
Deputy Clerk/Jurisdictional Attorney