

March 14, 2011

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

THOMAS RADICK,

Plaintiff - Appellant,

v.

No. 11-1062

HARLEY LAPPIN, Director, F.B.O.P.;
MIKE NALLEY, Regional Director,
F.B.O.P.; N. FIELDS, Administrative
Remedy Coordinator North Central
Regional Office; RENE GARCIA,
Warden, F.C.I. Englewood; MR. MARK
IPPOLITO, Health Services
Administrator, F.C.I. Englewood,
Colorado; DR. KRAUSE, Medical
Doctor, F.C.I. Englewood; MR. GARZA,
Physicians Assistant, F.C.I. Englewood;
NURSE WAGONER, F.C.I. Englewood;
MRS. LEYBA, Administrative Hearing
Officer, F.C.I. Englewood; MR. WALDO,
Case Manager, F.C.I. Englewood; MS.
DONSANJ, Unit Manager, F.C.I.
Englewood,

Defendants - Appellees.

ORDER

Before **LUCERO**, **GORSUCH**, and **HOLMES**, Circuit Judges.

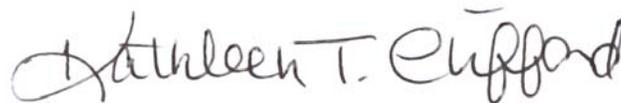
This appeal is before the court based on a show cause order challenging appellate jurisdiction and directing the parties to obtain either a district court order granting

certification under Fed. R. Civ. P. 54(b) as to the January 12, 2011 Order appealed by Plaintiff Thomas Radick or a district court order explicitly adjudicating all remaining claims in Plaintiff's civil rights action. *See Stockman's Water Company, LLC v. Vaca Partners, L.P.*, 425 F.3d 1263, 1265 (10th Cir. 2005); *Lewis v. B. F. Goodrich Co.*, 850 F.2d 641, 645-46 (10th Cir. 1988).

This court lacks jurisdiction. The parties failed to move in the district court for a Rule 54(b) certification. Plaintiff's claims against numerous Defendants remain unresolved in the district court. Consequently, the January 12, 2011 Order, which only dismissed Defendants Harry Lappin, Mike Nally, Mr. Fields, and Rene Garcia from Plaintiff's action, is interlocutory and not immediately appealable under 28 U.S.C. § 1291 or under any recognized exception to the final judgment rule.

The appeal is **DISMISSED** for lack of appellate jurisdiction.

Entered for the Court,
Elisabeth A. Shumaker, Clerk

A handwritten signature in black ink that reads "Kathleen T. Clifford". The signature is written in a cursive, flowing style.

Kathleen T. Clifford
Attorney - Deputy Clerk