

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**October 18, 2012**

**Elisabeth A. Shumaker**  
**Clerk of Court**

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DOUGLAS L. TOOLEY,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant - Appellee.

No. 12-1334  
(D.C. No. 1:12-CV-01219-JLK)

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**ORDER**

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Before **BRISCOE**, Chief Judge, **KELLY**, and **TYMKOVICH**, Circuit Judges.

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Pro se plaintiff Douglas Tooley appeals the district court's order denying his motion for default judgment. This court entered an order to show cause as to why the appeal should not be dismissed for lack of appellate jurisdiction. Mr. Tooley filed a response. After considering his response and the applicable law, we now dismiss the appeal.

Mr. Tooley appeals the August 6, 2012 order of the district court denying his motion for default judgment against the defendant. The district court case remains ongoing. Neither a final order disposing of all claims against all parties nor a final judgment has been entered.

Except in certain situations not applicable here, this court only has jurisdiction to review final decisions of district courts. 28 U.S.C. § 1291. A final decision is one that fully terminates all matters as to all parties and causes of action and leaves nothing for the district court to do but execute the judgment. Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 712 (1996); Harolds Stores, Inc. v. Dillard Dep't Stores, Inc., 82 F.3d 1533, 1541 (10th Cir. 1996). The district court's August 6, 2012 order is not a final decision.

Moreover, this court has expressly held that an order denying a motion for default judgment is interlocutory and cannot be appealed until the trial court has entered final judgment. Grandbouche v. Clancy, 825 F.2d 1463, 1468 (10th Cir. 1987). We therefore conclude that this court lacks jurisdiction to consider Mr. Tooley's appeal.

APPEAL DISMISSED. Mr. Tooley's motion for leave to proceed *in forma pauperis* is denied.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith  
Counsel to the Clerk