

UNITED STATES COURT OF APPEALS March 23, 2012
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

DALE E. HARPER,

Plaintiff - Appellant,

v.

JAMES RUDEK, Warden; DEBBIE
MORTON, Director's Designee;
JUSTIN JONES, Director DOC;
CARL BEAR, Warden's Assist; MEL
ALMAGUER, Unit Mgr; DAVID
HOUCK, Case Mgr; HERNANDEZ,
Guard OSR; MRS. MCGILL, Yard Lt
OSR; PAULA BETH LNU, Law
Librarian; DEBBIE ADAMS, Law
Librarian; MARGARET BRADFORD,
Executive Dir OK Forensics Center,

Defendants - Appellees.

No. 12-6072
(D.C. No. 5:11-CV-00995-HE)

ORDER

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

This matter is before the court on the appellant's *pro se* notice of appeal,
filed on March 16, 2012. Mr. Harper is appealing from a magistrate judge's
order, issued on March 12, 2012, denying his motion for disqualification or
recusal.

This court's jurisdiction on appeal is generally limited to final decisions. *See Federal Deposit Insurance Corp. v. McGlamery*, 74 F.3d 218, 221 (10th Cir. 1996). Generally, a final decision "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Catlin v. United States*, 324 U.S. 229, 233 (1945). "An order denying a motion to recuse is interlocutory and is, therefore, not immediately appealable." *Nichols v. Alley*, 71 F.3d 347, 350 (10th Cir. 1995). In addition, the magistrate judge's order of March 12, 2012 is not directly appealable to this court. *See Colo. Bldg. & Constr. Trades Council v. Andersen Constr.*, 879 F. 2d 809, 811 (10th Cir. 1989) (orders entered by a magistrate judge are generally not final and immediately appealable, except in proceedings conducted upon designation by a district court judge and consent of the parties pursuant to 28 U.S.C. § 636 (c)).

APPEAL DISMISSED

Entered for the Court
ELISABETH SHUMAKER, Clerk of Court

by: 

Christine Van Coney
Counsel to the Clerk