

May 21, 2012

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

QUINN AARON KLEIN,

Plaintiff - Appellant,

v.

RONALD ANDERSON, General  
Counsel; JUSTIN JONES, Director  
DOC; P. BAKER, Prison Official;  
MR. GIBSON, Admin. Exec.;  
PATRICIA PRESLEY, Court Clerk;  
PAM DUNN, Deputy Court Clerk;  
CAPT. JONES, Mail Room  
Superintendent; CATHY BRETON,  
Assist. Mail Room Superintendent;  
TERESA HOLSTEN, Mail Room  
Supervisor; GEO GROUP, INC.,

Defendants - Appellees.

No. 12-6125  
(D.C. No. 5:12-CV-00464-HE)

ORDER

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

Mr. Klein is seeking to appeal from a magistrate judge's order issued on May 8, 2012, denying his motions for appointment of counsel.

Except for proceedings conducted by a magistrate judge upon designation by a district court judge and consent of the parties pursuant to 28 U.S.C. § 636(c),

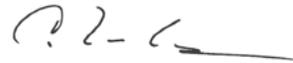
a court of appeals lacks jurisdiction to hear an appeal taken directly from a magistrate judge's ruling. See *Colorado Building & Construction Trades Council v. B.B. Andersen Construction Co.*, 879 F. 2d 809 (10<sup>th</sup> Cir. 1989); *Phillips v. Beierwaltes*, 466 F.3d 1217 (10th Cir. 2006). In addition, an order denying appointment of counsel in a civil matter is not immediately appealable. *Cotner v. Mason*, 657 F. 2d 1390 (10th Cir. 1981).

In the underlying district court case, the parties have not consented to final disposition by a magistrate judge. In addition, Mr. Klein's case remains pending in the district court and no final judgment has been entered. Consequently, this court lacks jurisdiction to consider this appeal.

**APPEAL DISMISSED.**

Entered for the Court  
ELISABETH SHUMAKER, Clerk

by:



Christine Van Coney  
Counsel to the Clerk