

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 29, 2013

Elisabeth A. Shumaker  
Clerk of Court

COREY BURGESS,

Plaintiff - Appellant,

v.

CHARLES A. DANIELS; PAUL M.  
LAIRD; CHARLES E. SAMUELS; MATT  
THOMPSON; C.O. EXINA; PAUL A.  
KASTNER; J.A. KELLER; ERIC  
HOLDER; U.S. D.O.J./F.B.O.P, in their  
individual and official capacities,

Defendants - Appellees.

No. 13-1397  
(D.C. No. 1:13-CV-02191-BNB)

**ORDER**

Before **HARTZ**, **TYMKOVICH**, and **GORSUCH**, Circuit Judges.

Plaintiff-Appellant Corey Burgess seeks to appeal two orders entered by the district court overruling his objections to orders entered by a magistrate judge: specifically, the magistrate judge's order granting him leave to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915, and the magistrate judge's order denying his motion to change venue.

Except in certain limited circumstances, this court's appellate jurisdiction is limited to review of final decisions. 28 U.S.C. § 1291; *see also United States v. Nixon*, 418 U.S. 683, 690-92 (1974); *Albright v. Unum Life Ins. Co.*, 59 F.3d 1089, 1092 (10th

Cir. 1995). A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute judgment.” *Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 204 (1999) (internal quotations omitted). Although certain interlocutory orders are immediately appealable under the collateral order doctrine, neither an order granting *in forma pauperis* status, nor an order denying a change of venue are immediately appealable collateral orders. *Cf. Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1310 (10th Cir. 2005) (holding that the denial of IFP is appealable as a collateral order to the extent it bars the plaintiff from proceeding at all in the district court); *Houston Fearless Corp. v. Teter*, 318 F.2d 822 (10th Cir. 1963) (permitting an interlocutory appeal from the denial of change of venue under the provisions of 28 U.S.C. § 1292(b)).

Here the district court has not entered a final decision and the orders Mr. Burgess seeks to appeal are not immediately appealable under the collateral order doctrine. Nor has the district court certified its order for immediate appeal pursuant to 28 U.S.C. § 1292(b). Accordingly, we dismiss this appeal for lack of jurisdiction.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro  
Counsel to the Clerk