

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 10, 2014

Elisabeth A. Shumaker
Clerk of Court

ANDRE LEFFEBRE,

Plaintiff - Appellant,

v.

BLAKE R. DAVIS; DAVID
BERKEBILE; CAPTAIN KRIST; J.
COULSON; R. DERR; CHRISTOPHER
B. SYNSVOLL; A. OSAGIE; D.
ALFRED,

Defendants - Appellees.

No. 13-1528
(D.C. No. 1:13-CV-02071-BNB)

ORDER

Before **GORSUCH, O'BRIEN**, and **MATHESON**, Circuit Judges.

Mr. Leffebvre has filed a notice of appeal, apparently seeking review of the magistrate judge's order of December 2, 2013, directing him to pay the district court filing fee.

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 (10th Cir. 1989); *Phillips v. Beierwaltes*, 466 F.3d 1217 (10th Cir. 2006).

In the underlying district court case, the parties have not consented to final disposition by a magistrate judge and, at the time Mr. Leffebvre filed his notice of appeal, the district court had not entered a final decision in his case. Consequently, this court lacks jurisdiction to consider the present appeal.

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'C. Van Coney', with a long horizontal line extending to the right.

by: Christine Van Coney
Counsel to the Clerk