

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

March 29, 2013

Elisabeth A. Shumaker
Clerk of Court

MARIO WILLIAMS,

Plaintiff - Appellant,

v.

JUSTIN JONES; TIM WILKINSON,
Warden, Davis Correctional Facility;
BRIAN WIDEMAN, Chaplin, Davis
Correctional Facility,

Defendants - Appellees.

No. 13-7002
(D.C. No. 6:12-CV-00423-RAW-SPS)

ORDER

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

Mr. Williams seeks to appeal from the district court's order of January 22, 2013 that denied his motion for appointment of counsel, denied class certification, and directed him to file an amended complaint.

This court's appellate jurisdiction is generally limited to review of final decisions. *See* 28 U.S.C. § 1291 (courts of appeals have jurisdiction over appeals from final decisions of the district courts); *U.S. 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 under 28 U.S.C. § 1291 is one that terminates "all matters as to all parties and causes of action."

D & H Marketers, Inc. v. Freedom Oil and Gas, Inc. 744 F. 2d 1443, 1444 (10th Cir. 1984).

Based on a review of the district court's docket sheet, this matter remains pending before the district court and no final appealable decision has, as yet, been entered.

Although Mr. Williams states that this court has jurisdiction pursuant to Rule 23 (f), no Rule 23 (f) petition for permission to appeal has been filed with this court. *See* Fed. R. Civ. P. 23 (f) (petition for permission to appeal must be filed with the circuit clerk within 14 days after the order is entered.) To the extent Mr. Williams is now seeking this court's permission to appeal, his request is denied. We note that the district court's denial of Mr. Williams' motion for appointment of counsel also does not constitute a final, appealable decision. *Cotner v. Mason*, 657 F. 2d 1390 (10th Cir. 1981).

This appeal is dismissed for lack of jurisdiction. When the district court issues a final decision in this matter, Mr. Williams may file a new appeal, in compliance with the court rules, if he wishes.

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Christine Van Coney
Counsel to the Clerk