

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

September 3, 2014

Elisabeth A. Shumaker
Clerk of Court

KAREN L. L'GGRKE,

Plaintiff - Appellant,

v.

MICHAEL S. MCGRATH; ASSET PLUS
CORPORATION; STAFF ONE, INC.,

Defendants - Appellees,

and

GINA BOWIE; TAMMIE STEWART;
DEL COWSAR; CAROL CARROLL,

Defendants.

No. 14-5090
(D.C. No. 4:12-CV-00596-JED-TLW)

ORDER

Before **KELLY, TYMKOVICH, and HOLMES**, Circuit Judges.

Pro se plaintiff Karen L'Ggrke filed a notice of appeal stating that she "appeals this matter" and identified a disputed issue. But the notice of appeal identified no specific orders entered by the district court. See Fed. R. App. P. 3(c) (required contents of notice of appeal). The appellant's amended notice of appeal expands on the disputed issue and specifically identifies each and every entry on the district court docket – whether filed by a party or by the court – as the subject of the appeal.

This court entered an order challenging the appellant to demonstrate appellate jurisdiction. The appellant filed a memorandum brief in response. At our direction, the appellees also filed a memorandum brief responding to the jurisdictional challenge and the appellant's arguments with an appendix in support. Upon consideration of the parties' submissions, the record materials, and the applicable law, we have concluded that this court lacks jurisdiction to consider the appeal at this time.

Appellate courts like this one generally have jurisdiction to review only final decisions of federal district courts. 28 U.S.C. § 1291. A final decision is one that fully terminates all matters as to all parties and causes of action and leaves nothing for the district court to do but execute the judgment. Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 712 (1996); Harolds Stores, Inc. v. Dillard Dep't Stores, Inc., 82 F.3d 1533, 1541 (10th Cir. 1996). Piecemeal review of interlocutory district court orders is generally not allowed. Southern Ute Indian Tribe v. Leavitt, 564 F.3d 1198, 1207 (10th Cir. 2009).

Here, the underlying district court case has not concluded. No order resolving all of the claims against all of the parties has been entered. The district court has not entered a final judgment. See Fed. R. Civ. P. 58. The district court has not entered a partial final judgment, see id. 54(b), nor has it certified any of its orders as appropriate for immediate appeal, 28 U.S.C. § 1292(b). The appellant designated every event that has occurred in district court as the subject of the appeal and argued that this court should review the entirety of the district court case as it stands today. But even considering together all of the district court's orders entered thus far, none is a final decision on its own, nor does the sum of the orders amount to a final adjudication on the merits. "[A]ny order,

however designated, which adjudicates fewer than all of the claims or the liabilities of all of the parties, is not a final appealable order.” Atiya v. Salt Lake County, 988 F.2d 1013, 1016 (10th Cir. 1993).

The appellant argued in her response to the court’s order to show cause that this court has jurisdiction pursuant to the Cohen doctrine, which permits immediate appellate review of a small class of orders that produce irreparable consequences where post-judgment review would not provide adequate relief. Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541, 546-47 (1949); Southern Ute Indian Tribe, 564 F.3d at 1207. But none of the orders entered thus far satisfies the requirements for interlocutory appeal under the Cohen doctrine. See McFarland v. Childers, 212 F.3d 1178, 1183 (10th Cir. 2000) (to fall into collateral order doctrine, “a district court decision must: (1) ‘conclusively determine the disputed question;’ (2) ‘resolve an important issue completely separate from the merits of the action;’ and (3) ‘be effectively unreviewable from a final judgment.’” (quoting Coopers & Lybrand v. Livesay, 437 U.S. 463, 468 (1978))). We agree with the appellees that the appellant has failed to provide any valid legal argument to the contrary.

With only interlocutory orders in the district court record at this time, this court lacks jurisdiction to consider the appeal. See Arthur Anderson & Co. v. Finesilver, 546 F.2d 338, 342 (10th Cir. 1976) (“Every interlocutory order involves, to some degree, a potential loss or harm. That risk, however, must be balanced against the need for efficient federal judicial administration, the need for the appellate courts to be free from the harassment of fragmentary and piecemeal review of cases otherwise resulting from a

succession of appeals from the various rulings which might arise during the course of litigation.” (internal quotations omitted)).

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink that reads "Lara Smith". The signature is written in a cursive, flowing style.

by: Lara Smith
Counsel to the Clerk