

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

October 5, 2015

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

ALFRED MCZEAL; MATTHEW D.
HAYNIE; NHUT HUY LE; CHAI MISTY
LE; LOFTON RYAN BURRIS,

Plaintiffs - Appellants,

and

MARK S. MILLER; JAMILEH MILLER,

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC;
MIDSOUTH BANK, NA; HREAL
COMPNAV, LLC; MIDSOUTH BANK
SHARES, INC.; JAY L. ANGELLE; PHH
MORTGAGE; WELLS FARGO BANK
N.A.; FEDERAL HOME LOAN
MORTGAGE CORPORATION; J.P.
MORGAN CHASE BANK N.A.; US
BANK; NATIONAL ASSOCIATION AS
TRUSTEE FOR MORTGAGE PASS
THROUGH CERTIFICATES SERIES
1998 R3; MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, INC.;
DEUTSCHE BANK NATIONAL TRUST
COMPANY; RBS FINANCIAL;
MACKLE ALTISOURCE; WOLF,
ZIENTZ & MANN, P.C.; SCHILLER &
ADAM, P.A.; HINSHAW &
CULBERTSON, LLP; MCCARTHY &
HOLTHUS, LLP; QUALITY LOAN
SERVICES; DOUGLAS A. TOLENO;
KENDRA WILEY; SAMUEL R.
COLEMAN; ELLEN B. SILVERMAN,

No. 15-1305
(D.C. No. 1:15-CV-01381-WJM-MJW)
(D. Colo.)

Defendants – Appellees.

ORDER

Before **BRISCOE, HOLMES, and PHILLIPS**, Circuit Judges.

This court lacks jurisdiction because no final or otherwise appealable order has been entered by the district court. The plaintiffs are appealing procedural orders entered by the magistrate judge.

This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291, and specific types of interlocutory orders. A final decision is one that disposes of all issues on the merits and leaves nothing for the court to do but execute the judgment. *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521 (1988). Moreover, except for proceedings conducted by the magistrate judge on 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 decision of a magistrate judge. *See Colorado Building & Construction Trade Council v. B.B. Andersen Construction Co.*, 879 F.2d 809 (10th Cir. 1989).

The plaintiffs argue that this court has jurisdiction under 28 U.S.C. § 2253. However, that section only pertains to habeas corpus and 28 U.S.C. § 2255 proceedings.

The court notes that the district court entered final judgment on September 17, 2015.

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

by: Ellen Rich Reiter
Jurisdictional Attorney