

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

---

No. 11-1017

---

David Stebbins,

Appellant,

v.

Full Sail University,

Appellee.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Appeal from the United States  
District Court for the Western  
District of Arkansas.

[UNPUBLISHED]

---

Submitted: March 10, 2011

Filed: March 16, 2011

---

Before MELLOY, GRUENDER, and BENTON, Circuit Judges.

---

PER CURIAM.

David Stebbins appeals from the district court's<sup>1</sup> denial of his motion for reconsideration of the magistrate's<sup>2</sup> order staying his action pending a ruling in another case. We conclude that this court lacks jurisdiction to consider Stebbins's appeal, because the district court's order is not a final decision, and has not effectively ended the litigation. See 28 U.S.C. § 1291 (courts of appeals shall have jurisdiction

---

<sup>1</sup>The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

<sup>2</sup>The Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas.

of appeals from all final decisions of district courts); Boushel v. Toro Co., 985 F.2d 406, 408 (8th Cir. 1993) (typically grants of stays are not final decisions for purposes of § 1291; only time order granting stay will be considered final order is if it is tantamount to dismissal and effectively ends litigation); see also Huggins v. FedEx Ground Package Sys., Inc., 566 F.3d 771, 773, 775 (8th Cir. 2009) (dismissing appeal sua sponte for lack of jurisdiction).

Accordingly, the appeal is dismissed for lack of jurisdiction.

---