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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ESTER BURNETT, Plaintiff - Appellant, v. DOCTOR BRUCE FAECHER; et al., Defendants.	No. 08-56887 D.C. No. 2:08-cv-02745-PSG-MLG MEMORANDUM[*]

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted December 15, 2009[**]

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Ester Burnett, a California state prisoner, appeals pro se from the district court's order dismissing some but not all of the defendants in his 42 U.S.C. § 1983

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[*] This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

[**] The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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action alleging constitutional violations in connection with his medical care. We dismiss the appeal for lack of appellate jurisdiction.

We have an obligation to consider jurisdictional issues sua sponte. *WMX Techs., Inc. v. Miller*, 104 F.3d 1133, 1135 (9th Cir. 1997) (en banc). We generally have jurisdiction over only final orders of the district court. 28 U.S.C. § 1291. Without the district court's certification pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, orders dismissing some but not all of the defendants are not appealable final orders. *See Frank Briscoe Co. v. Morrison-Knudsen Co.*, 776 F.2d 1414, 1416 (9th Cir. 1985); *Maurer v. L.A. County Sheriff's Dep't*, 691 F.2d 434, 436 n. 1 (9th Cir. 1982) ("A dismissal as to some but not all defendants is not a final order as required by 28 U.S.C. § 1291, and is not appealable absent a certification under Fed. R. Civ. P. 54(b)."). Moreover, an order denying appointment of counsel is not an appealable final order. *See Kuster v. Block*, 773 F.2d 1048, 1049 (9th Cir. 1985). Accordingly, we lack jurisdiction to consider the appeal.

Because we dismiss for lack of jurisdiction, we do not consider Burnett's outstanding motions.

DISMISSED.