

FILED

UNITED STATES COURT OF APPEALS

APR 15 2015

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TOWN OF COLORADO CITY, Arizona;
et al.,

Defendants - Appellants.

No. 14-17561

D.C. No. 3:12-cv-08123-HRH
District of Arizona,
Prescott

ORDER

Before: GOODWIN, CANBY, and NGUYEN, Circuit Judges.

On January 20, 2015, this court ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. The court has reviewed appellants' responses and appellee's reply thereto.

The district court's order compelling the deposition of a non-party is not immediately appealable. The non-party may appeal after a contempt order is issued against the non-party for noncompliance. *See Perry v. Schwarzenegger*, 602 F.3d 976, 979 (9th Cir. 2010) (order). The district court docket reflects that no such order has issued. The collateral order doctrine's narrow exception to the general rule requiring finality does not apply in this case, because the municipal

defendants that have filed this interlocutory appeal may obtain review of the district court's discovery order upon entry of a final judgment. *See Coopers & Lybrand v. Livesay*, 437 U.S. 463, 468 (1978); *In re Subpoena Served on Cal. Pub. Utils. Comm'n*, 813 F.2d 1473, 1475-76 (9th Cir.1987).

Accordingly, this appeal is dismissed for lack of jurisdiction. *See* 28 U.S.C. § 1291.

DISMISSED.