

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-20571
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 25, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EULALIO MORENO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-3237

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

Eulalio Moreno, federal prisoner # 16060-179, was convicted in 2004 of possession of counterfeit United States currency and possession of a firearm by a felon convicted of three or more previous violent felonies. He has appealed the magistrate judge's order denying his motion for release pending decision in his 28 U.S.C. § 2255 case. As a general rule, an order issued by a magistrate judge is not a final order appealable to this court. *See Donaldson v. Ducote*,

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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373 F.3d 622, 624 (5th Cir. 2004); *see also Colburn v. Bunge Towing, Inc.*, 883 F.2d 372, 379 (5th Cir. 1989). A party who wishes to challenge a ruling by a magistrate judge must object or otherwise challenge the ruling before the district court. *Gregg v. Linder*, 349 F.3d 860, 862 (5th Cir. 2003). Moreno did not seek review in the district court of the magistrate judge's order denying his motion for release pending decision. Because the magistrate judge's order is not final under 28 U.S.C. § 1291 and may not be appealed directly to this court, we lack jurisdiction to address this appeal. *See Donaldson*, 373 F.3d at 624. Accordingly, the appeal is DISMISSED. Moreno's motion for release pending disposition in the district court is DENIED AS MOOT.