

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

April 21, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

2019 RAM 1500 CREW CAB, VIN:
1C6SRFHT3KN881175; 1942 NORTH
TOPANGA CANYON BOULEVARD,
Topanga, California 90290; 7170 DAKAN
ROAD, Sedalia Colorado 80135;
APPROXIMATELY ,274.24 IN FUNDS
FROM WISE INC., Account
9600003789236151; APPROXIMATELY
1,373,487.58 IN FUNDS FROM BANK
OF AMERICA, Account 325152461861,

Defendants.

RICO GARCIA,

Claimant - Appellant.

No. 26-1063
(D.C. No. 1:23-CV-00955-RMR-TPO)
(D. Colo.)

ORDER

Before **MATHESON, BACHARACH**, and **PHILLIPS**, Circuit Judges.

This matter is before us to address whether this court has jurisdiction to consider this appeal. *See Hill v. Vanderbilt Cap. Advisors, LLC*, 702 F.3d 1220, 1223 (10th Cir. 2012) (noting that we have an independent duty to examine our own jurisdiction).

This appeal arises from a pending civil forfeiture action brought by the United States. Rico Garcia sought to file a verified claim to contest the forfeiture on behalf of himself and other persons and entities, and to dismiss the government's forfeiture complaint asserting that the government failed to comply with civil-forfeiture notice requirements. On February 2, 2026, the district court entered an order that adopted a January 8, 2026 magistrate judge's recommendation. The district court found that Mr. Garcia can only file a verified claim on his own behalf and not on behalf of other individuals or entities; and that he cannot move to dismiss the government's complaint unless he is a claimant. The district court order denied Mr. Garcia's verified claim and motion to dismiss without prejudice to filing a verified claim on behalf of himself that complies with applicable forfeiture rules within 21 days. Mr. Garcia did not file a verified claim following the district court's February 2, 2026 order. On March 2, 2026, the government obtained a clerk's entry of default pursuant to Fed. R. Civ. P. 55(a). On March 4, 2026, the government filed a motion for default judgment pursuant Fed. R. Civ. P. 55(b). On March 4, 2026, Mr. Garcia filed a notice of appeal from the February 2, 2026 district court order adopting the magistrate judge's recommendation. On April 6, 2026, Mr. Garcia filed a motion to set aside entry of default. The government's motion for default judgment and Mr. Garcia's motion to set aside entry of default are pending in the district court.

On March 5, 2026, we entered an order directing Mr. Garcia to show cause why this court has jurisdiction to consider this interlocutory appeal. Mr. Garcia and the

government have filed separate responses. Upon consideration, we conclude that we lack jurisdiction over this appeal for the reasons set forth below.

This court has jurisdiction to consider appeals from “final decisions” of the district courts. 28 U.S.C. § 1291. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Utah v. Norton*, 396 F.3d 1281, 1286 (10th Cir. 2005). Put differently, a final decision is one by which the district court “dissociates itself from a case.” *McClendon v. City of Albuquerque*, 630 F.3d 1288, 1292 (10th Cir. 2011). “An order that . . . sets the stage for further trial court proceedings is not final.” *Hayes Fam. Tr. v. State Farm Fire & Cas. Co.*, 845 F.3d 997, 1003 (10th Cir. 2017).

In the instant case, while there has been a clerk’s entry of default under Fed. R. Civ. P. 55(a), the government’s motion for default judgment pursuant to Fed. R. Civ. P. 55(b) is pending. *See* Fed. R. Civ. P. 55 (two-step process for a default judgment); *Guttman v. Silverberg*, 167 F. App’x. 1, 2 n.1 (10th Cir. 2005) (“The entry of default and the entry of a judgment by default are two separate procedures.”). Here, no judgment of forfeiture has been entered by the district court, and there is no final decision ending the forfeiture action.

Further, the February 2, 2026 district court order itself is not a final decision, and Mr. Garcia has not shown that the order is immediately appealable under the collateral order doctrine. *See John E. Burns Drilling v. Cent. Bank of Denver*, 739 F.2d 1489, 1491-92 (10th Cir. 1984) (denial of motion to dismiss was not a “final decision” under § 1291, or immediately appealable under the collateral order doctrine); *United States ex rel.*

Fiorisce, LLC v. Colo. Tech. Univ., Inc., 130 F.4th 811, 816 (10th Cir. 2025) (to satisfy collateral order doctrine, interlocutory order must (1) conclusively determine the disputed question, (2) resolve an important issue completely separate from the merits of the action, and (3) be effectively unreviewable on appeal from a final judgment).

Here, the district court has not entered a final decision ending the forfeiture action, and the district court order is not otherwise immediately appealable. We therefore lack jurisdiction over this appeal.

APPEAL DISMISSED.

Entered for the Court

Per Curiam