FILED
United States Court of Appeals
Tenth Circuit

March 2, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

QUITO I. NEHEMIAH,

Plaintiff - Appellant,

v.

DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT; DEPARTMENT OF VETERANS AFFAIRS; RACHEL M. SANTINI; JEFFREY BERNCCHIA; JILLIAN CHAPIN; BRITTANY CLARK; CORNEY CLUSTER; BRITTANY L. SHAFFER; CHRIST AHNEMILLER,

Defendants - Appellees.

No. 26-2020
(D.C. No. 1:24-CV-00929-MLG-LF)
(D. N.M.)

ORDER

Before **HARTZ**, **TYMKOVICH**, and **FEDERICO**, Circuit Judges.

We raise sua sponte the question of whether this court has jurisdiction to consider this appeal. *Amazon, Inc. v. Dirt Camp, Inc.*, 273 F.3d 1271, 1274 (10th Cir. 2001) (noting that we have an independent duty to examine our own jurisdiction). According to Appellant Quito Nehemiah's notice of appeal, he seeks review of "a final judgment entered by the United States District Court for the District of New Mexico disposing of all claims." Doc. No. 115 at 3. But the district court has not entered a final judgment.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

On February 10, 2026, the assigned magistrate judge issued a report and recommendation recommending that the Office of Personnel Management's motion to dismiss be granted and Mr. Nehemiah be given an opportunity to file an amended complaint. Mr. Nehemiah has filed objections to that recommendation, but the district court has not ruled on those objections or adopted the recommendation, and the underlying case is ongoing.

This court's jurisdiction is generally limited to review of final decisions of the district courts. 28 U.S.C. § 1291. The district court has not entered a final decision in the underlying case and neither the magistrate judge's report and recommendation nor any of the other orders entered by the magistrate judge in this case are directly appealable to this court. *See Phillips v. Beierwaltes*, 466 F.3d 1217, 1221-22 (10th Cir. 2006)(explaining that a magistrate judge's order is not appealable until the district court has acted on it).

APPEAL DISMISSED.

Entered for the Court

Per Curiam