

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

May 29, 2026

Christopher M. Wolpert
Clerk of Court

ERIC WILLIAM GIANNINI,

Plaintiff - Appellant,

v.

U.S. GOVERNMENT; DEPARTMENT
OF JUSTICE; FEDERAL BUREAU OF
INVESTIGATION,

Defendants - Appellees.

No. 26-5068
(D.C. No. 4:26-CV-00248-GKF-CDL)
(N.D. Okla.)

ORDER

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

This matter is before us sua sponte to consider the court’s jurisdiction over this appeal. *See Hill v. Vanderbilt Cap. Advisors, LLC*, 702 F.3d 1220, 1223 (10th Cir. 2012) (this court has “an independent duty to examine [its] own jurisdiction”). We find that we lack jurisdiction for the reasons articulated below.

On May 4, 2026, the district court entered an order denying appellant Eric W. Giannini’s motion to proceed *in forma pauperis* without prejudice. The district court gave Mr. Giannini the option of filing an amended *ifp* motion or paying the required fee. While the district court warned Mr. Giannini that his case could be dismissed if he failed to either file an amended *ifp* motion or pay the fee, to date, the district court has not dismissed Mr. Giannini’s case. On May 26, 2026, Mr. Giannini filed a notice of appeal

that designated the May 4, 2026 order described above as the order Mr. Giannini wished to challenge on appeal.

Subject to exceptions not applicable here, this court has jurisdiction to hear appeals from “final decisions” of district courts. 28 U.S.C. § 1291. Interlocutory appeals are the exception, not the rule. *Myers v. Oklahoma Cnty. Bd. Of Cnty. Comm’rs*, 80 F.3d 421, 424 (10th Cir. 1996). A final order is one that signals the end of the litigation or disassociates the district court from the case. *McClendon v. City of Albuquerque*, 630 F.3d 1288, 1295 (10th Cir. 2011). By contrast, “[a]n 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).

The district court’s order denying Mr. Giannini’s *ifp* motion without prejudice did not signal the end of the litigation or disassociate the district court from this matter. Rather, it set the stage for further proceedings (after Mr. Giannini either filed an amended *ifp* motion or paid the district court filing fee). Accordingly, the district court’s May 4, 2026 order is not presently appealable.

For the reasons articulated above, we are without jurisdiction to entertain this appeal.

APPEAL DISMISSED.

Entered for the Court

Per Curiam