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Case Nos. 26-5971, 26-5972, 26-6005

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Nov 20, 2026
KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TIMOTHY EHN, D.C.,
Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY

O P I N I O N

Before: GILMAN, DAVIS, and MATHIS, Circuit Judges

DAVIS, Circuit Judge. Defendant Timothy Ehn moves to administratively stay the imminent sale of property located at 8780 U.S. 42 in Florence, Kentucky (the "Real Estate"), pending resolution of his appeals (26-5971, 26-5972, 26-6005). Concluding that we lack jurisdiction over those appeals, we dismiss them and deny the motion as moot.

I.

A jury convicted Timothy Ehn and William Siefert of health-care fraud. *See United States v. Siefert*, 161 F.4th 379, 385–86 (6th Cir. 2025). As part of their sentences, the district court "ordered restitution payments in the amount of $3,773,569.30 against Defendant Ehn and $1,968,763.10 against Defendant Siefert." (Order, R. 367, PageID 9140). The United States then moved for a Charging Order to put a lien against Ehn and Siefert's interests in GT Enterprise, LLC (in which each defendant holds a 50% stake). (Mot. for Charging Order, R. 334; Mot. for Charging

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Order, R. 335). The district court granted the motion and issued a Charging Order to "be treated as a lien upon the interests of each Defendant . . . in favor of the United States . . . like any other lien under 18 U.S.C. § 3613(c)." (Order, R. 367, PageID 9147). It also appointed Michael B. Baker as receiver for GT Enterprise and its assets (the Real Estate is GT Enterprise's primary asset). (*See* Mot., R. 417, PageID 9637).

The appointment granted the receiver authority "to market or engage a reputable brokerage company to market the assets of GT[Enterprise] for sale . . . subject to obtaining approval of the Court." (*Id.* (citation modified)). He did just that and subsequently moved the court to approve a sale of the Real Estate in the amount of $2.4 million, pursuant to 28 U.S.C. § 2001. (*See* Mot. to Approve Sale, R. 471, PageID 10064). The court granted the motion, and the sale is set to close on November 23, 2026. (*See* Order, R. 496). Ehn filed for Chapter 7 bankruptcy on the same date that the court approved the sale, which was September 16, 2026. (*See In re Timothy Ehn*, No. 26-20942, (Bankr. E.D. Ky. 2026), R. 1, 1).

Throughout the postjudgment proceedings, Ehn generally "[took] issue with what the" court "authorized" the receiver to do. (Tr. of Mot. Hr'g, R. 444, PageID 9793–94). After the court approved the sale of the Real Estate, he specifically moved to stay "any distribution of sale proceeds or other disputed receivership funds" and any "closing, transfer of title, or asset distribution" related to the Real Estate. (Mot., R. 497, PageID 10185). The district court found "no just reason" to grant "a stay," and denied Ehn's motion. (Order, R. 505, PageID 10249). Ehn then filed this emergency motion to administratively stay the sale of the Real Estate pending appeal

of both the order approving the sale (the "Sale Order") (Order, R. 496), and the order denying his motion for a stay (the "Stay Order") (Order, R. 505). (26-5971, Mot., ECF 7, 2).[1]

II.

We have an independent obligation to assess jurisdiction, which requires us to confirm both our authority to consider the subject matter of an appeal and the appellant's Article III standing to bring it. *See Olden v. LaFarge Corp.*, 383 F.3d 495, 498 (6th Cir. 2004) (subject matter jurisdiction); *LLP Mortg., Ltd. v. Brinley*, 547 F.3d 643, 647–48 (6th Cir. 2008) (Article III standing).

As noted, Ehn appeals from both the Sale Order and the Stay Order. His appeal of the Sale Order, however, is untimely. We are empowered to exercise jurisdiction over "[i]nterlocutory orders appointing receivers, or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property." 28 U.S.C. § 1292(a)(2). But "[i]n a criminal case, a defendant's notice of appeal must be filed in the district court within 14 days" of "the order being appealed." Fed. R. App. P. 4(b)(1)(A)(i).[2] The district court entered the Sale Order on September 16, 2026. (*See* Order, R. 496, PageID 10179). Ehn did not notice his appeal of that order until November 9, 2026. (*See* Notice of Appeal, R. 513). He claims that his motion seeking "substitute counsel, an extension of time, and preservation of the receivership's records and assets," filed on September 21, 2026, "may be treated as [a timely]

[1] Ehn also noticed an appeal of the district court's order denying his motion to supplement and motion to appoint counsel. (*See* Order, R. 508; Notice of Appeal, R. 510). The appeal of that order has nothing to do with the Real Estate, nor do we have jurisdiction over it, as it is not a final order, an appealable interlocutory order, or an appealable collateral order. It is, therefore, dismissed.

[2] Ehn contends that if the government's argument is correct that "collecting restitution is civil in nature," then this is a civil collection proceeding, and he therefore had 60 days to file a notice of appeal pursuant to Federal Rule of Appellate Procedure 4(a)(1)(B). (Appellant's Reply, ECF 10, 4 (citation modified)). But whether the collection process is civil in nature is irrelevant. The 14-day deadline applies to "criminal case[s]," Fed. R. App. P. 4(b)(1)(A), and Ehn's case is undeniably criminal.

notice of appeal." (Appellant's Reply, ECF 10, 4). But we do not entertain constructive notices of appeal unless they strictly comply with Federal Rule of Appellate Procedure 3. *See Smith v. Barry*, 502 U.S. 244, 248 (1992). Ehn's motion does not do so; it neither "designates the judgment . . . from which the appeal is taken" nor "name[s] the court to which the appeal is taken." Fed. R. App. P. 3(c)(1)(B)–(C). The operative notice of appeal, then, is the one Ehn filed on November 9. That is well outside the 14-day window, so we lack subject-matter jurisdiction over the appeal of the Sale Order, and that appeal is, therefore, dismissed.

As for the Stay Order, Ehn properly noticed his appeal within two weeks of the Order's entry. (*See* Notice of Appeal, R. 509). But the Stay Order is not a final order under 28 U.S.C. § 1291, so we lack jurisdiction unless it qualifies as an appealable interlocutory or collateral order. We are skeptical that it meets the criteria for either, but even assuming that it does, Ehn does not have Article III standing to maintain an appeal of it, and we, therefore, lack jurisdiction to consider it.

Recall that Ehn filed for Chapter 7 bankruptcy on September 16, 2026. "The commencement of [that] case . . . create[d] an estate . . . comprised of . . . all legal or equitable interests [Ehn had] in property as of the commencement of the case." 11 U.S.C. § 541(a)(1). And Ehn identified his 50% stake in GT Enterprise as one such legal or equitable interest. (*In re Timothy Ehn*, No. 26-20942, R. 13 at 6–7); *see also Tyler v. DH Cap. Mgmt., Inc.*, 736 F.3d 455, 461 (6th Cir. 2013) ("The nature and extent of property rights in bankruptcy are determined by the underlying substantive law." (citation omitted)); Ky. Rev. Stat. Ann. § 275.250 ("A limited liability company interest shall be personal property."). That interest, therefore, is now part of the estate. *See Auday v. Wet Seal Retail, Inc.*, 698 F.3d 902, 904 (6th Cir. 2012) (holding that, when a debtor files for bankruptcy, his estate "bec[o]me[s] the owner of all of [his] property"); (*see also*

Mot., R. 497, PageID 10182 ("Defendant's bankruptcy petition created a bankruptcy estate . . . , which includes . . . potential residual equity, claims, or property rights in connection with the commercial property subject to the receivership.")). And that means the bankruptcy trustee—not Ehn—is "the real party in interest" for any claims related to GT Enterprise. *See Wieburg v. GTE Southwest, Inc.*, 272 F.3d 302, 306 (5th Cir. 2001); *see* Fed. R. Civ. P. 17(a)(1)(F). So the trustee has standing to pursue those claims, but Ehn does not.

It is well-established that a plaintiff lacks Article III standing unless he has: (1) "suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical"; (2) established "a causal connection between the injury and the conduct complained of"; and (3) shown that it is "likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992) (citation modified). Ehn fails at the first step.

"The advent of the chapter 7 estate and the appointment of the chapter 7 trustee divest the chapter 7 debtor of all right, title[,] and interest in nonexempt property of the estate at the commencement of the case." *In re Amir*, 436 B.R. 1, 10 (B.A.P. 6th Cir. 2010) (citation omitted). "As a result, the chapter 7 trustee is often the only party who has standing to appeal an order that impacts the disposition of property of the estate." *Id.* And, in this case, the trustee has not appealed the Stay Order impacting the disposition of GT Enterprise. Nor does Ehn possess authority to do so on her behalf. *See Singleton v. Wulff*, 428 U.S. 106, 113 (1976) (plurality opinion) (noting that "[f]ederal courts must hesitate before resolving a controversy . . . on the basis of the rights of third persons not parties to the litigation"); (*see also* Appellant's Reply, ECF 10, 3 (noting that when asked, the trustee declined to "abandon all interest in" GT Enterprise). As a chapter 7 debtor, Ehn

no longer holds an interest in GT Enterprise. *See King v. Johnson*, No. 1:22-cv-1037, 2023 WL 5110930, at *2 (E.D. Va. Aug. 9, 2023) ("Under federal bankruptcy law, . . . upon filing a petition for bankruptcy, all of a debtor's interests in a limited liability company become the property of the bankruptcy estate and are therefore subject to the control of the trustee of that estate.").[3] Yet he appeals from an order declining to stay the sale of that entity's commercial property. In other words, he attempts to assert the rights of the bankruptcy trustee, a third person not party to the litigation. That is not his prerogative. And for that reason, he lacks Article III standing to appeal the Stay Order, so that appeal must be dismissed.

The dismissal of Ehn's appeals moots his motion for a stay pending those appeals. The motion is, therefore, denied as moot.

III.

For the foregoing reasons, we **DISMISS** Ehn's appeals (26-5971, 26-5972, 26-6005) for lack of jurisdiction and **DENY** his motion for a stay pending appeal as moot.

[3] Ehn argues that the Real Estate is not part of the bankruptcy estate. (Appellant's Reply, ECF 10, 2–3). But that is irrelevant because his *interest in GT Enterprise* is what matters for purposes of standing, and he lost that interest when he filed for bankruptcy.