

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-11225
Non-Argument Calendar

ERIC A. KNAPP,

on behalf of himself and all other Florida citizens similarly
situated,

Plaintiff-Appellant,

versus

VGW HOLDINGS LIMITED,

VGW MALTA LIMITED,

VGW LUCKYLAND INC,

VGW GP LIMITED,

FIDELITY NATIONAL INFORMATION SERVICES, INC.,

a Florida corporation, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:24-cv-00413-CEM-DCI

Before LAGOA, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

Eric Knapp appeals from the district court’s February 6, 2025 order, which transferred some of his claims to the District of Delaware under 28 U.S.C. § 1404(a) and dismissed the rest. He also appeals from the March 12, 2025 order denying reconsideration of the February 6 order. In his notice of appeal, Knapp states that the designated orders are now appealable because the District of Delaware entered a final judgment after the case was transferred.¹

VGW Holdings Limited, VGW Malta Limited, VGW Luckland Inc., and VGW GP Limited (collectively, “VGW”) move to dismiss Knapp’s appeal, asserting that the February 6 and March 12 orders are not final or otherwise appealable. VGW also argues that the District of Delaware’s entry of final judgment did not render the orders appealable to us and maintains that Knapp must seek appellate review in the Third Circuit. Furthermore, VGW notes that the issue of whether the Third Circuit can review the February

¹ Knapp also challenged the February 6 and March 12 orders in April 2025, shortly after transfer and before the final judgment was entered, but we dismissed that appeal for lack of jurisdiction.

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6 and March 12 orders is irrelevant to the question of our jurisdiction over the present appeal.

Knapp responds that he also filed a notice of appeal in the District of Delaware designating the final judgment, which is “separate and apart” from the orders he is challenging in the instant appeal. Additionally, he maintains that, while the district court was divested of jurisdiction after it entered the transfer order, we nevertheless retain the ability to review transfer orders and dismissals rendered by district courts within our circuit. Furthermore, Knapp contends that the February 6 and March 12 orders did not merge into the District of Delaware’s final judgment and that the merger doctrine was not designed to address this cross-circuit scenario.

We lack jurisdiction over this appeal because it is not taken from a final or otherwise appealable decision of a district court within this circuit. *See CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000) (“To be appealable, an order must either be final or fall into a specific class of interlocutory orders that are made appealable by statute or jurisprudential exception.”); 28 U.S.C. §§ 1291, 1292, 1294(1). First, the rulings transferring some of Knapp’s claims to the District of Delaware and denying reconsideration of the transfer are neither final nor appealable under the collateral order doctrine. *See Dobard v. Johnson*, 749 F.2d 1503, 1506 (11th Cir. 1985) (explaining that, generally, transfer orders are not final); *Middlebrooks v. Smith*, 735 F.2d 431, 432-33 (11th Cir. 1984) (explaining that transfer orders pursuant to § 1404(a) are interlocutory and not appealable under the collateral order doctrine).

Additionally, the portion of the February 6 order dismissing some of Knapp's claims and the portion of the March 12 order denying reconsideration of those dismissals are not final decisions because they did not resolve the litigation on the merits, as the remaining claims were pending in the District of Delaware after the orders were entered. *See CSX Transp., Inc.*, 235 F.3d at 1327. Similarly, those rulings are not appealable under the collateral order doctrine because the district court's decision to dismiss certain claims is not separate from the merits of the action, and the district court did not certify either order for immediate review. *See Acheron Capital, Ltd. v. Mukamal*, 22 F.4th 979, 989 (11th Cir. 2022) (explaining that the collateral order doctrine allows for appeal of a non-final order if it conclusively resolves an important issue completely separate from the merits of an action, among other things); Fed. R. Civ. P. 54(b); 28 U.S.C. § 1292(b).

Furthermore, we disagree with Knapp that he can now appeal the orders to us because the District of Delaware has entered a final judgment. To the extent the orders are appealable by virtue of having merged into the final judgment, we lack jurisdiction to review them because the final judgment was entered by a court outside of this circuit. *See Akin v. PAFEC Ltd.*, 991 F.2d 1550, 1563 (11th Cir. 1993); 28 U.S.C. § 1294(1). Thus, Knapp was required to—and did—seek review in the Third Circuit, which has jurisdiction to review appeals from the District of Delaware. *See* 28 U.S.C. § 41. This conclusion is not affected by any issue of whether the Third Circuit can review the February 6 and March 12 orders. *See Jenkins v. Prime Ins. Co.*, 32 F.4th 1343, 1347 (11th Cir. 2022).

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Accordingly, VGW's motion to dismiss is GRANTED and the appeal is DISMISSED for lack of jurisdiction.²

² VGW's request to stay the briefing schedule, incorporated in VGW's motion to dismiss, is DENIED as moot, as we granted a stay of the appeal on July 10, 2026.