

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ROBERT CASTILLO,
Claimant-Appellant

v.

**DOUGLAS A. COLLINS, Secretary of Veterans Af-
fairs,**
Respondent-Appellee

2025-1126

Appeal from the United States Court of Appeals for
Veterans Claims in No. 24-3611.

Before DYK, PROST, and CHEN, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's show cause order, the Secretary of Veterans Affairs urges dismissal of this appeal as premature. Robert Castillo responds in favor of this court's jurisdiction.

The Secretary moved to dismiss Mr. Castillo's pending case before the United States Court of Appeals for Veterans Claims for want of jurisdiction. On July 26, 2024, that court directed Mr. Castillo to respond and submit a copy of

the decision which he sought to appeal, and otherwise stayed proceedings. Mr. Castillo responded and shortly thereafter filed an appeal to this court from the July 26, 2024 order. Meanwhile, the underlying proceedings, including the motion to dismiss, remain pending.

Generally, this court has jurisdiction only over a final decision by the Court of Appeals for Veterans Claims. *Allen v. Principi*, 237 F.3d 1368, 1372 (Fed. Cir. 2001). A decision is final only when it “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Id.* (internal quotation marks and citation omitted). The Court of Appeals for Veterans Claims’s July 26, 2024 order is not such an order, as that court clearly contemplated additional proceedings before final resolution.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed as premature.
- (2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

March 19, 2025
Date