

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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ORDER

November 4, 2021

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

No. 21-2664	<p align="center">SECURITIES AND EXCHANGE COMMISSION, Plaintiff</p> <p align="center">and</p> <p align="center">KEVIN B. DUFF, Appellee</p> <p align="center">v.</p> <p align="center">EQUITYBUILD, INC., et al., Defendants</p> <p align="center">and</p> <p align="center">VENTUS HOLDINGS, LLC and VENTUS MERRILL, LLC, Intervenors - Appellants</p>
Originating Case Information:	
District Court No: 1:18-cv-05587	
Northern District of Illinois, Eastern Division	
District Judge John Z. Lee	

The following are before the court:

- MOTION TO DISMISS APPEAL**, filed on October 13, 2021, by counsel for the appellee.

No. 21-2664

Page 2

2. **RESPONSE TO MOTION TO DISMISS APPEAL**, filed on October 28, 2021, by counsel for the appellants.

Under 28 U.S.C. § 1292(a)(2) this court has jurisdiction to hear appeals from “Interlocutory 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.” Appellant appeals from the district court’s order denying a motion for return of earnest money paid to the receiver under a contract to purchase property. This order was not a refusal to take steps to accomplish the purposes for winding up a receivership or either of the other types of orders listed in § 1292(a)(2). *See United States v. Antiques Ltd. P’ship*, 760 F.3d 668, 671 (7th Cir. 2014). We thus agree with the receiver that this appeal does not fall within the scope of that section, and the order is not otherwise appealable as a final decision, 28 U.S.C. § 1291. Therefore, **IT IS ORDERED** that the motion to dismiss is **GRANTED** and this appeal is **DISMISSED** for lack of jurisdiction.

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