

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted February 17, 2026*
Decided February 19, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 25-1954

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

Appeal from the United States District
Court for the Central District of Illinois.

v.

No. 4:21-cv-04113-SLD

\$38,916.00 IN U.S. CURRENCY,
Defendant.

Sara Darrow,
Chief Judge.

APPEAL OF:

MICHAEL A. TOVAR,
Claimant.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

ORDER

Michael Tovar pleaded guilty to gun and drug charges in 2021. After a sentencing hearing, the district court found that \$38,916 in cash seized from Tovar's home was drug proceeds that could be converted to its equivalent weight in marijuana; the court then sentenced Tovar to 101 months. We affirmed his conviction and sentence, as well as the district court's finding that the seized cash was drug proceeds. *United States v. Tovar*, 88 F.4th 720, 726 (7th Cir. 2023). In the meantime, the government sought the forfeiture of the \$38,916 in cash. *See* 21 U.S.C. § 881(a)(6). The district court later granted the government's motion for summary judgment, ruling that issue preclusion applied because (in short) the source of the cash had been thoroughly litigated at sentencing and during Tovar's appeal.

On appeal, Tovar contends only that the cash was legitimate, non-drug-related business proceeds. But to prevail in this court, Tovar needed to challenge the district court's explanation for why that contention, regardless of its merits, was barred by issue preclusion. Essentially, he needed to argue that (1) the source of the seized cash was not the same issue as that involved in his criminal sentencing or appeal, (2) the issue was not "actually litigated," (3) the determination of the issue was not essential to the final judgment, or (4) he was not fully represented in the criminal case. *See Waagner v. United States*, 971 F.3d 647, 657 (7th Cir. 2020) (listing elements of issue preclusion). He did not do so. Although we liberally construe a pro se litigant's arguments, an appellate brief must still challenge the explanation provided in the district court's order. *See* FED. R. APP. P. 28(a)(8)(A); *Anderson v. Hardman*, 241 F.3d 544, 545–46 (7th Cir. 2001). An appellate brief like Tovar's that "does not even try to engage the reasons the appellant lost has no prospect of success," *Klein v. O'Brien*, 884 F.3d 754, 757 (7th Cir. 2018) (emphasis omitted), and must be dismissed, *Anderson*, 241 F.3d at 545–46.

DISMISSED