

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

---

No. 22-13408

Non-Argument Calendar

---

NORMA MARTIN,

Plaintiff-Counter Defendant-Appellant,

*versus*

E.C. PUBLICATIONS INC.,  
WARNER COMMUNICATIONS LLC,  
d.b.a. DC Comics

Defendants-Counter Claimants-Appellees,

DC COMICS, Inc.,

2

Opinion of the Court

22-13408

Defendant.

---

Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:19-cv-21167-DPG

---

Before JORDAN, JILL PRYOR, and BRANCH, Circuit Judges.

PER CURIAM:

We issued a jurisdictional question asking whether the district court has entered a final, appealable order, and, particularly, whether Appellees' counterclaims have been resolved. In response, Appellees request that we remand this appeal to the district court for a ruling on their pending motion to dismiss the counterclaims. Appellant Norma Martin opposes the motion. We conclude that the district court has not entered a final or appealable order, so this appeal is DISMISSED for lack of jurisdiction and Appellees' motion to remand is DENIED as MOOT.

Martin appeals the district court's September 27, 2022 order entering summary judgment to Appellees on all of her claims. However, the district court's order did not address Appellees' counterclaims, and our review of the record does not reveal any other order disposing of them. Further, the district court did not certify its September 27, 2022 order for immediate review under Federal Rule of Civil Procedure 54(b). Accordingly, the district

22-13408

## Opinion of the Court

3

court's order is not final or immediately appealable, and we lack jurisdiction to review it. See 28 U.S.C. § 1291; *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012).

Because we lack jurisdiction over this appeal, we decline to entertain Appellees' motion to remand. See *Vachon v. Travelers Home & Marine Ins. Co.*, 20 F.4th 1343, 1347 (11th Cir. 2021) (stating that when we lack jurisdiction, "we may do no more than 'announc[e] the fact and dismiss[] the cause'" (quoting *United States v. Amodeo*, 916 F.3d 967, 971 (11th Cir. 2019))).