

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12170

Non-Argument Calendar

WILLIAM L. APGAR, JR.,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant- Appellee.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket Nos. 5:21-mc-00017-JA-PRL,
5:21-mj-01088-PRL-1

Before WILSON, BRANCH, and LUCK, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. William Apgar filed a notice of appeal to the district court from the magistrate judge's June 28, 2023 amended criminal judgment, and the district court transmitted the notice to us. However, we lack jurisdiction to directly review a magistrate judge's judgment entered pursuant to 18 U.S.C. § 3401, as an appeal from such a judgment must be taken to and heard by the district court first. *See* 18 U.S.C. § 3402; *United States v. Pilati*, 627 F.3d 1360, 1363-64 (11th Cir. 2010); *Midway Mfg. Co. v. Kruckenberg*, 720 F.2d 653, 654 (11th Cir. 1983).

No petition for rehearing may be filed unless it complies with the timing and other requirements of 11th Cir. R. 40-3 and all other applicable rules.