

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12725

Non-Argument Calendar

ORLANDO JEFFERSON,

Plaintiff-Appellant,

versus

SHERRY BOSTON,
DOUG WILLIAMS,
KAREN SHEPARD,

Defendants-Appellees,

RICHARD W. MERRITT,

2

Opinion of the Court

23-12725

Defendant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:23-cv-02692-VMC

Before ROSENBAUM, JILL PRYOR, and GRANT, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Orlando Jefferson, a state prisoner proceeding *pro se*, appeals from the magistrate judge's order and final report and recommendation ("R&R") recommending dismissal of his complaint and removing Richard W. Merritt from the case because he was not named in Jefferson's amended complaint. At the time of Jefferson's appeal, deemed filed on August 2, 2023, the district court had not yet adopted the R&R, and thus, we lack jurisdiction to review it. *See* Fed. R. App. P. 4(c)(1); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014); *Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998). We similarly lack jurisdiction to review the magistrate judge's order terminating Merritt as a defendant because Jefferson did not challenge that ruling in the district court. *See United States v. Schultz*, 565 F.3d 1353, 1359 (11th Cir. 2009).

23-12725

Opinion of the Court

3

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.