

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12730

Non-Argument Calendar

ROBERT O. DINKINS,

Plaintiff-Appellant,

versus

MS BARNETT T,
USP ATL Medical Member,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:23-cv-03230-LMM

Before ROSENBAUM, BRANCH, and ABUDU, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Robert Dinkins, a federal prisoner proceeding *pro se*, appeals from the magistrate judge's final report and recommendation ("R&R") recommending dismissal of his complaint. At the time of Dinkins's appeal, deemed filed on July 31, 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). The district court's later adoption of the R&R does not cure Dinkins's premature notice of appeal. *See Perez-Priego*, 148 F.3d at 1273.

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.