

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12766

Non-Argument Calendar

BERNADETTE DENISE DICKERSON,

Plaintiff-Appellant,

versus

CONDUENT COMMERCIAL SOLUTIONS, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Alabama
D.C. Docket No. 2:23-cv-00064-RAH-JTA

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

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Bernadette Dickerson appeals directly from the magistrate judge's June 30, 2023 report and recommendation ("R&R") that Conduent Commercial Solutions, LLC's motion to dismiss her complaint be granted. However, the R&R was not final or immediately appealable, and Dickerson filed the construed notice of appeal before the district court adopted the R&R. *See* 28 U.S.C. § 1291; *Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982) (explaining that magistrate judge orders issued pursuant to 28 U.S.C. § 636(b) are not final and may not be appealed until rendered final by a district court); *Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998) (providing that a magistrate judge's R&R that has not been adopted by the district court is not final and immediately appealable). Moreover, the district court's adoption of the R&R did not cure the instant 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.

All pending motions are DENIED as moot.