

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12901

Non-Argument Calendar

CHARLES WEINACKER,

Plaintiff-Appellant,

versus

AARON SHADDY,
an individual, et al.,

Defendants,

PETFRIENDLY, INC.,
PET FRIENDLY DIRECT, LLC,
Nebraska limited liability corporations,

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Defendants-Counter Claimants-Appellees,

WWW.PETFRIENDLYDIRECT.COM,
a.k.a. www.petfriendlybox.com,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Alabama
D.C. Docket No. 1:22-cv-00028-TFM-MU

Before WILSON, ROSENBAUM, and BRASHER, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Charles Weinacker, *pro se*, appeals the district court's August 4, 2023 order that dismissed, in whole or in part, four of the eight counts in Weinacker's second amended complaint and allowed the remaining counts to proceed. We lack jurisdiction over this appeal because the August 4 order was not final or otherwise appealable. *See* 28 U.S.C. § 1291; *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000). Because the August 4 order expressly allowed several of Weinacker's claims to proceed, and those claims remain pending, that order is not a final or otherwise appealable

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decision. *See Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1245-46 (11th Cir. 2012).

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.