

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13059

Non-Argument Calendar

DAVID SAULSBERRY,

Plaintiff-Appellant,

versus

BRITNEY ELDER,
a.k.a. FTN Bae,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:21-cv-62362-RS

Before WILSON, GRANT, and ABUDU, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. David Saulsberry appeals from the district court's August 15, 2023 paperless order striking his motion for summary judgment. The court previously vacated a jury verdict and final judgment in favor of Saulsberry and has set a new trial for December 4, 2023.

We lack jurisdiction over this appeal because the August 15 order is 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). The order is not final because Saulsberry's claims, and the defendant's counterclaims, have not yet been resolved. *See Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1245-46 (11th Cir. 2012). Furthermore, the order is not otherwise appealable under the collateral order doctrine because it would not be effectively unreviewable on appeal from a final judgment. *See Plaintiff A v. Schair*, 744 F.3d 1247, 1252-53 (11th Cir. 2014).

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.