

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13437

Non-Argument Calendar

FP RIVERDALE, LLC,
FAROS PROPERTY MANAGEMENT LLC,

Plaintiffs-Appellees,

versus

THELIS ADKINS,

Defendant-Appellant,

AND ALL OTHERS,

Defendant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:23-cv-04173-JPB

Before BRANCH, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Thelis Adkins appeals, *pro se*, from a magistrate judge's September 19, 2023, report and recommendation that Adkins's action be remanded to state court. The magistrate judge's recommendation, however, is not final or appealable to this Court, as an appeal from a magistrate judge order must be taken to the district court. *See United States v. Schultz*, 565 F.3d 1353, 1359 (11th Cir. 2009). Even if the district judge ultimately adopts the report and recommendation, that would not cure Adkins's premature notice of appeal. *See Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998).

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.