

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13655

Non-Argument Calendar

SAMUEL GHEE, IV,

Plaintiff-Appellant,

versus

FLIX NORTH AMERICA, INC.,
GREYHOUND LINES INC,
GEORGE MOORE,
ISSAC SANCHEZ,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 4:23-cv-00070-CDL

Before JORDAN, BRANCH, and LAGOA, Circuit Judges.

PER CURIAM:

Upon review of the record, we find that we lack jurisdiction over this appeal.

Samuel Ghee, IV appeals from the district court's October 5, 2023 order that granted Flix North America, Inc.'s and Greyhound Lines, Inc.'s motions to dismiss, denied Ghee's motion to strike, and denied in part Ghee's motion to recover the costs of service of process. That order is not final and appealable, however, because it did not end the litigation on the merits in the district court. *See* 28 U.S.C. § 1291; *Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 986 (11th Cir. 2022) (stating that a final order ends the litigation on the merits and leaves nothing for the court to do but execute its judgment).

Ghee's claims against defendants Moore and Sanchez remain pending before the district court, and the district court did not certify its order for immediate review under Federal Rule of Civil Procedure 54(b). *See Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012) (noting that an order that disposes of fewer than all claims against all parties to an action is not immediately appealable absent certification pursuant to Rule

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54(b)). Nor is the district court's October 5, 2023 order effectively unreviewable on appeal from a final order resolving the case on the merits. See *Plaintiff A v. Schair*, 744 F.3d 1247, 1252-53 (11th Cir. 2014) (explaining that a ruling that does not conclude the litigation may be appealed under the collateral order doctrine if it, *inter alia*, is "effectively unreviewable on appeal from a final judgment"); *Doe No. I v. United States*, 749 F.3d 999, 1004 (11th Cir. 2014) (noting that interlocutory discovery orders are generally not immediately appealable).

Accordingly, this appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. 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.