

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-16388
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APR 7, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 07-02500-CV-GET-1

DARRYL JORDAN,

Plaintiff-Appellant,

versus

COUNTRYWIDE FINANCIAL CORPORATION,
JAVIER JARABA,
COUNTRYWIDE HOME LOANS, INC.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia

(April 7, 2009)

Before TJOFLAT, PRYOR and ANDERSON, Circuit Judges.

PER CURIAM:

Appellant presents two issues in his appeal of the district court's order of July 24, 2008, granting appellees' motion to dismiss his amended complaint:

- 1) whether the district court erred in dismissing the amended complaint, and
- 2) whether the district court abused its discretion in denying appellant's motion for leave to file a second amended complaint.

Addressing the first issue, we find no error in the district court's rationale for dismissing appellant's amended complaint and therefore affirm the dismissal. As for the second issue, the record reveals that appellant moved the court for leave to file a second amended complaint on August 3, 2008. His motion was styled: "Motion to Reconsider Order Dismissing the Amended Complaint with prejudice or in the alternative Motion to Further Amend the Complaint." The court denied these alternative motions on October 14, 2008. Appellant's notice of appeal only appealed the district court's "Order of July 24, 2008 granting Defendant's Motion to Dismiss." Because the notice did not appeal the October 14 order, that order is not before us; hence, we do not consider whether the court abused its discretion in denying further leave to amend.

AFFIRMED.