[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 22-10878

SCOTT HARDWICK,
DAWN HARDWICK,

Plaintiffs-Appellants,

versus

CORRECTHEALTH BIBB LLC,
MICHAEL PARROTT,
ROBBIE JOINER,
SHERIFF,
SCOTT CHAPMAN,

Defendants-Appellees,

MICHELLE DELATORRE et al.,

Defendants.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 5:20-cv-00127-MTT

Before WILLIAM PRYOR, Chief Judge, JILL PRYOR, Circuit Judge, and COOGLER,* Chief District Judge.

PER CURIAM:

Scott and Dawn Hardwick appeal a summary judgment order rejecting their claims that Michael Parrott and Robbie Joiner, county law enforcement officers, violated their constitutional rights under the Second, Fourth and Fourteenth Amendments. *See* 42 U.S.C. § 1983. We earlier ordered the parties to address whether that order was appealable even though it left several claims pending. *See* 28 U.S.C. § 1291. The Hardwicks argued that we have jurisdiction in part because, after they filed a notice of appeal in this Court, they attempted to voluntarily dismiss the claims pending in the district court under Federal Rule of Civil Procedure 41(a). We ordered that the jurisdictional issues be carried with the case. But in the light of an intervening precedent, *Esteva v. UBS Fin. Servs Inc.*

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* Hon. L. Scott Coogler, Chief District Judge for the United States District Court for the Northern District of Alabama, sitting by designation.

(*In re Esteva*), 60 F.4th 664, 677–78 (11th Cir. 2023), it is clear that we lack jurisdiction, so we dismiss this appeal.

Ordinarily, this Court exercises jurisdiction over final orders that address all pending claims and parties in a suit, *see* 28 U.S.C. § 1291, but the district court did not issue such a final order. "An order adjudicating fewer than all the claims in a suit, or adjudicating the rights and liabilities of fewer than all the parties, is not a final judgment from which an appeal may be taken, unless the district court properly certifies as final under Rule 54(b), a judgment on fewer than all claims or parties." *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012) (alteration adopted) (internal quotation marks and citation omitted). The district court expressly declined to resolve some of the Hardwicks' pending claims in the summary judgment they now appeal. Nor did the district court issue a Rule 54(b) certification. *See* FED. R. CIV. P. 54(b).

The Hardwicks propose three alternative bases for appellate jurisdiction, all of which fail. First, the Hardwicks argue that the summary judgment order is immediately appealable because it granted and denied qualified and official immunity as to certain defendants. Under the collateral order doctrine, orders denying official or qualified immunity are sometimes immediately appealable. *See Hall v. Flournoy*, 975 F.3d 1269, 1274–75 (11th Cir. 2020). But the Hardwicks appeal the decision to *grant* qualified immunity to defendants Parrott and Joiner, and an order *granting* qualified immunity is not immediately appealable. *See Winfrey v. Sch. Bd. of Dade Cnty.*, 59 F.3d 155, 158 (11th Cir. 1995). And the Hardwicks lack

appellate standing to appeal that order insofar as it denied immunity with respect to unrelated and unresolved claims because it did not affect the Hardwicks "in a personal and individual way," *Nationwide Mut. Ins. Co. v. Barrow*, 29 F.4th 1299, 1301 (11th Cir. 2022) (citation omitted), and they "may not appeal to protect the rights of others," *Knight v. Alabama*, 14 F.3d 1534, 1555 (11th Cir. 1994) (citation omitted).

Second, the Hardwicks argue that they may immediately appeal the summary judgment order because they sought injunctive relief against certain defendants, and the district court denied that relief against those defendants. *See* 28 U.S.C. § 1292(a)(1) (providing appellate jurisdiction for certain orders refusing injunctions). But we have appellate jurisdiction over interlocutory orders denying injunctive relief only when the appellant establishes a "serious, perhaps irreparable, consequence" from the refusal and when the appellant could not effectually challenge the court's order on appeal from a final judgment. *See United States v. City of Hialeah*, 140 F.3d 968, 973 (11th Cir. 1998) (quoting *Carson v. Am. Brands, Inc.*, 450 U.S. 79, 84 (1981)). And the Hardwicks have not even attempted to satisfy this burden.

Third, the Hardwicks argue that even if the summary judgment order was not final when issued, it became final when all parties signed a voluntary stipulation of dismissal that purported to dismiss the pending claims. *See Corley v. Long-Lewis, Inc.*, 965 F.3d 1222, 1228–29 (11th Cir. 2020) (explaining that we sometimes have jurisdiction to review "interlocutory decisions that were part of a

series of orders that effectively terminated the entire litigation" (internal quotation marks and citation omitted)). But this argument fails because the purported stipulation of dismissal was invalid. The stipulation of dismissal applied to some, but not all, of the claims in the Hardwicks' complaint, and we have repeatedly held that "a voluntary dismissal purporting to dismiss a single claim is invalid, even if all other claims in the action have already been resolved." *Esteva*, 60 F.4th at 677–78; *accord Perry v. Schumacher Grp. of La.*, 891 F.3d 954, 957–58 (11th Cir. 2018); *see* FED. R. CIV. P. 41(a)(1)(A)(ii) (allowing the parties to dismiss an "action," not "claims"). The Hardwicks argue that our decision in *Corley v. Long-Lewis, Inc.*, controls here, but our holding there was limited to voluntary dismissals by court order under Rule 41(a)(2), *see* 965 F.3d at 1230, and has no bearing on this appeal.

We **DISMISS** this appeal for lack of jurisdiction.