

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-11414

Non-Argument Calendar

W. A. GRIFFIN, MD,

Plaintiff-Appellant,

versus

BLUE CROSS BLUE SHIELD HEALTHCARE PLAN OF
GEORGIA, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:22-cv-01341-SEG

Before BRANCH, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

The “amended notice of appeal” filed in this action on April 24, 2023, by itself, is untimely to challenge the district court’s March 22, 2023 final order and judgment. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). However, the notice of appeal filed on April 20, 2023 in case no. 1:22-cv-85 appears to have been mistakenly filed in that case and is both timely and evinces an intent to challenge the final order of dismissal in this case. Accordingly, we construe the April 20, 2023 notice of appeal as challenging the March 22, 2023 final order and judgment. *See Becker v. Montgomery*, 532 U.S. 757, 767 (2001); *KH Outdoor, LLC v. City of Trussville*, 465 F.3d 1256, 1260 (11th Cir. 2006).

The district court is DIRECTED to docket the April 20, 2023 notice of appeal in the instant case and transmit it to this Court for further proceedings. Once received by this Court, the Clerk is DIRECTED to docket the April 20, 2023 notice of appeal in the instant appeal.