

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-14060

Non-Argument Calendar

KELVIN B. STEPHENS,

Plaintiff-Appellant,

versus

HOMEWOOD SUITES,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:23-cv-03273-MHC

Before BRANCH, LAGOA, and ABUDU, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction to the extent that it challenges the district court's November 22, 2023, and December 5, 2023, orders. The appeal from the November 23, 2023, final order and judgment shall proceed in a new, separate appeal.

Kelvin Stephens, proceeding *pro se*, filed two notices of appeal in this action, one on December 13, 2023, and the other on December 19, 2023. The district court docketed the latter as an amended notice of appeal. In his December 13, 2023, notice of appeal, Stephens appeals from the district court's November 22, 2023, order denying him leave to appeal *in forma pauperis*, as clarified by its December 5, 2023, order. The November 22, 2023, order is not final, and the proper procedure to secure relief from a district court order denying an application to appeal *in forma pauperis* is not to appeal the denial but to file a renewed motion with this Court. See Fed. R. App. P. 24(a)(5); *Gomez v. United States*, 245 F.2d 346, 347 (5th Cir. 1957). Accordingly, we lack jurisdiction as to the December 13, 2023, notice of appeal challenging the district court's November 22, 2023, and December 5, 2023, orders.

In his December 19, 2023, notice of appeal, Stephens appeals broadly from "the above stated cause of action," which we liberally construe as challenging the November 23, 2023, order and judgment resolving the case. See *Davila v. Gladden*, 777 F.3d 1198, 1208

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n.5 (11th Cir. 2015). The November 23, 2023, order and judgment are final and appealable. See 28 U.S.C. § 1291; *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000).

Stephens's December 19, 2023 notice of appeal was docketed as an amended notice of appeal in this appeal, but that appeal of the final order and judgment should proceed separately. Accordingly, the clerk is DIRECTED to close this appeal, create a new appeal, and docket in the new appeal Stephens's December 19, 2023 notice of appeal and his pending motion to appeal *in forma pauperis*.

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.