

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 23-14106

Non-Argument Calendar

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EDSON GELIN,

Petitioner-Appellant,

*versus*

UNITED STATES OF AMERICA,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket Nos. 6:21-cv-01658-CEM-LHP,  
6:17-cr-00131-CEM-LHP-3

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Before WILSON, NEWSOM, and LAGOA, Circuit Judges.

PER CURIAM:

Upon our review of the record and the parties' responses to the jurisdictional questions, this appeal is DISMISSED for lack of jurisdiction.

Edson Gelin appeals from the district court's order denying his "Omnibus Motion to Extend Time to File Attached Motion to Arrest Judgment for Lack of Jurisdiction" and his "Motion for Relief from Judgment or Order and Reconsideration of Motion for Discovery." We conclude that those motions form part of the civil proceeding created by the filing of Gelin's 28 U.S.C. § 2255 motion to vacate his sentence. *See United States v. Jordan*, 915 F.2d 622, 628 (11th Cir. 1990) (providing that filing a § 2255 motion is akin to initiating an independent civil suit, and § 2255 proceedings are treated as civil proceedings). Gelin filed the motions on the civil § 2255 docket, and the motions raise arguments that Gelin also presents in his § 2255 motion. Additionally, Gelin further indicated in his response to the jurisdictional questions that the motions encompassed his § 2255 motion.

As a result, the district court's order is not final or immediately appealable. The order is not a final decision that ended the litigation on the merits because Gelin's § 2255 motion is still pending before the district court. *See* 28 U.S.C. § 1291; *Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 986 (11th Cir. 2022). And the order is not

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immediately appealable under the collateral order doctrine because it is neither completely separate from the merits of Gelin's § 2255 motion nor effectively unreviewable on appeal from a final judgment resolving the § 2255 motion. *See Plaintiff A v. Schair*, 744 F.3d 1247, 1252–53 (11th Cir. 2014) (providing that a non-final order may be appealed if it, *inter alia*, resolves an important issue completely separate from the merits of the action and would be effectively unreviewable on appeal from a final judgment).

Accordingly, this appeal is DISMISSED for lack of jurisdiction. All pending motions are DENIED as moot.