

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10621

Non-Argument Calendar

ROY MANDELL SMITH,

Petitioner-Appellant,

versus

LT.AARON KIRK,
Valdosta, GA Police Dept., et al.,

Respondent,

SMITH SP WARDEN,

Respondent-Appellee.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 7:23-cv-00061-WLS-TQL

Before WILSON, ROSENBAUM, and LUCK, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Roy Smith, a state prisoner proceeding *pro se*, filed this interlocutory appeal challenging the district court’s “failure to set and hold a habeas corpus evidentiary hearing.” He did not designate an order of the district court for review, and only the magistrate judge entered orders before Smith filed his notice of appeal. See Fed. R. App. P. 3(c)(1)(B). There are no final and appealable orders in this case because the district court has not rendered any of the magistrate judge’s orders final and has not yet ruled on Smith’s habeas petition. See 28 U.S.C. § 1291; *Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982); *United States v. Schultz*, 565 F.3d 1353, 1359 (11th Cir. 2009).

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.