

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-10623

Non-Argument Calendar

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JAMES RASHAD CLAY,

Petitioner-Appellant,

*versus*

WARDEN,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Northern District of Georgia  
D.C. Docket No. 1:23-cv-02971-SEG

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Before JORDAN, ROSENBAUM, and LUCK, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. James Clay, a state prisoner proceeding *pro se*, appeals from the magistrate judge's final report and recommendation ("R&R") that his habeas petition be denied. We lack jurisdiction to review the R&R because it has not been rendered final by the district court. See 28 U.S.C. § 1291; *Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982); *Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998).

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.