

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10682

Non-Argument Calendar

YVONNE M. WEST,
Individually and as Administrator of
the Estate of Jamon West,

Plaintiff-Appellant,

versus

DEKALB COUNTY, GEORGIA,
CAPTAIN PHILLIP DITMORE,
SENIOR FIREFIGHTER DAVID KELLY,
SENIOR FIREFIGHTER JASON WINKLER,
SENIOR FIREFIGHTER KEVIN FLEMING, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:23-cv-01907-LMM

Before BRANCH, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Upon review of the record and the parties' responses to the jurisdictional question, we conclude that we lack jurisdiction over this appeal because there is not a final or otherwise appealable order. Yvonne West appeals from the district court's order, and related judgment, that dismissed several defendants. However, the district court entered its dismissal order on February 2, 2024, just over two weeks after it granted West a 40-day extension to serve four unserved defendants with process, and it acknowledged the extension in the dismissal order. Because this extension of the time to serve had not yet expired at the time the district court entered its dismissal order, that order is not final or otherwise immediately appealable even if only unserved defendants remained. *See* 28 U.S.C. § 1291; Fed. R. Civ. P. 54(b); *Insinga v. LaBella*, 817 F.2d 1469, 1470 (11th Cir. 1987) (providing that an order dismissing all served defendants is not final for purposes of appeal where the district court "is given reason to believe that it is premature to assume that service will not be made on the currently unserved parties"); *Freyre v. Chronister*, 910 F.3d 1371, 1377 (11th Cir. 2018) (providing

24-10682

Opinion of the Court

3

that a district court order which “contemplates further substantive proceedings in a case is not final and appealable”).

Accordingly, this appeal is DISMISSED for lack of jurisdiction.