

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

---

No. 24-11253

Non-Argument Calendar

---

DANNY CREWS,

Plaintiff-Appellant,

*versus*

PFIZER DRUG CHANTIX et al.,

Defendants,

PFIZER, INC.,

Defendant-Appellee.

---

Appeal from the United States District Court  
for the Northern District of Alabama  
D.C. Docket No. 2:21-cv-01487-MHH

---

Before WILSON, JORDAN, and NEWSOM, Circuit Judges.

PER CURIAM:

Danny Crews, *pro se*, appeals the district court's February 13, 2024 memorandum opinion and final judgment granting summary judgment in favor of defendant Pfizer, Inc. However, the February 13 memorandum opinion and judgment are not final or appealable. The district court subsequently granted Crews's motion for reconsideration and vacated the final judgment to allow further litigation on the merits, which effectively nullified the memorandum opinion and judgment and rendered the proceedings non-final. *See* 28 U.S.C. § 1291; *Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 986 (11th Cir. 2022) (stating that a final order ends the litigation on the merits and leaves nothing for the court to do but execute its judgment).

Accordingly, this appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. 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.