

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-11490

Non-Argument Calendar

STONEY GLENN,

Petitioner-Appellant,

versus

STATE OF FLORIDA,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 4:23-cv-00213-AW-MAF

Before ROSENBAUM, LUCK, and BRASHER, Circuit Judges.

PER CURIAM:

Stoney Glenn, a state prisoner proceeding *pro se*, appeals from the magistrate judge's March 26, 2024 report and recommendation ("R&R") that his habeas petition be dismissed as untimely. We lack jurisdiction to review the R&R because it had not been rendered final by the district court when Glenn filed his notice of appeal. 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).

Following the instant notice of appeal, the district court adopted the R&R, dismissed Glenn's petition, denied a certificate of appealability ("COA"), and entered judgment. Glenn subsequently filed a document in this Court, which he labeled as a COA, that we construe as a notice of appeal challenging the district court's final order and judgment. See 11th Cir. R. 22-1(a).

Accordingly, this appeal is DISMISSED, *sua sponte*, for lack of jurisdiction, and all pending motions are DENIED as moot. The Clerk is INSTRUCTED to send Glenn's May 28, 2024 COA filing to the district court to be docketed as a notice of appeal from the district court's final order and judgment.

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.