

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-11686

Non-Argument Calendar

ALAINA TROCANO,
an individual,

Plaintiff-Appellee,

versus

MICHAEL VIVALDI,
an individual,

Defendant-Appellant,

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Opinion of the Court

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AMERICAN AIRLINES GROUP, INC,
a foreign profit corporation, et al.,

Defendants.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 2:23-cv-00645-JES-KCD

Before JILL PRYOR, NEWSOM, and BRASHER, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Defendant Michael Vivaldi appeals the district court's May 16, 2024 order. That order denied Vivaldi's motion for sanctions and his request that the claims against him, which were previously dismissed without prejudice, be dismissed with prejudice or that he be awarded attorney's fees. That order is not final because claims against defendant American Airlines, Inc. remain pending. *See* 28 U.S.C. § 1291; *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1245-46 (11th Cir. 2012). Furthermore, the order is not immediately appealable under the collateral order doctrine because the request for sanctions and dismissal with prejudice was connected to the merits of the case, and Vivaldi's request for attorney's fees is effectively reviewable on appeal from the final judgment. *See*

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Johnson v. Jones, 515 U.S. 304, 311 (1995); *Richardson-Merrell, Inc. v. Koller*, 472 U.S. 424, 430-31 (1985).

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.