

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-11795

Non-Argument Calendar

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RANDY LEE CAPEHART,

Plaintiff-Appellant,

*versus*

COMMISSIONER OF THE GEORGIA  
DEPARTMENT OF CORRECTIONS,  
ASSISTANT COMMISSIONER  
OVERSEEING DELIVERY OF HEALTH  
CARE,  
WHEELER CORRECTIONAL PRISON,  
DR. NEAV,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Georgia  
D.C. Docket No. 3:24-cv-00030-DHB-BKE

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Before ROSENBAUM, BRANCH, and LAGOA, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Randy Capehart appeals directly from the magistrate judge's May 10, 2024 report and recommendation ("R&R") that his amended complaint be dismissed, but the R&R was not a final or appealable decision. See 28 U.S.C. § 1291; *Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998) (providing that a magistrate judge's R&R that has not been adopted by the district court is not final and immediately appealable). Moreover, Capehart filed his notice of appeal before the district court adopted the R&R and rendered it final.

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.