

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12542

Non-Argument Calendar

MARK BRADLEY BOYD,

Petitioner-Appellant,

versus

WHEELER CORRECTIONAL FACILITY,
COMMISSIONER, GEORGIA DEPARTMENT OF
CORRECTIONS,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia

D.C. Docket No. 3:24-cv-00067-TCB

Before JORDAN, NEWSOM, and LAGOA, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Mark Boyd, proceeding *pro se*, appeals directly from the magistrate judge's report and recommendation ("R&R") that his 28 U.S.C. § 2254 petition be denied. However, the district court had not adopted the R&R or otherwise rendered it final when Boyd appealed, and the district court's later adoption cannot cure his premature appeal. See 28 U.S.C. § 1291; *Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982) (explaining that magistrate judge orders issued pursuant to 28 U.S.C. § 636(b) are not final and may not be appealed until rendered final by a district court); *Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998) (holding that a magistrate judge's R&R that has not been adopted by the district court is not final and immediately appealable).

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.