

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12574

Non-Argument Calendar

JOSHUA LEE DAY,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:22-cv-01576-WFJ-AAS

Before JORDAN, BRANCH, and ABUDU, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Joshua Lee Day appeals from the district court's June 4, 2024, order denying his motion to compel the State to give him various state court records relating to his convictions.

We lack jurisdiction over this appeal because the June 4 order did not dispose of any of Day's claims in his 28 U.S.C. § 2254 petition, which is pending, and so the order is not a final decision on the merits. *See* 28 U.S.C. § 1291; *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000) ("A final decision is one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment."). The order is also not otherwise appealable, as it was not certified for immediate appeal and can be effectively reviewed after final judgment. *See Plaintiff A v. Schair*, 744 F.3d 1247, 1252-53 (11th Cir. 2014) (explaining that an order is not appealable under the collateral order doctrine unless it would be effectively unreviewable on appeal from the final judgment); 28 U.S.C. § 1292(b); *Microsoft Corp. v. Baker*, 582 U.S. 23, 29 (2017) (explaining that an otherwise unreviewable order is appealable under 28 U.S.C. § 1292(b) only if the district court certifies the order for immediate review under that provision).

24-12574

Opinion of the Court

3

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.