

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12928

Non-Argument Calendar

CARSHEILA T. SIMMONS,

Plaintiff-Appellant,

versus

POSTMASTER GENERAL UNITED STATES POSTAL
SERVICES,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:23-cv-05863-MLB

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

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Carsheila Simmons appeals from the magistrate judge’s report and recommendation (“R&R”) recommending that the action be dismissed without prejudice, which is pending before the district court.

We lack jurisdiction over this appeal because a magistrate judge’s R&R that the district court has not adopted or otherwise rendered final at the time of appeal is not a final and appealable order. See 28 U.S.C. §§ 636, 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). Further, to the extent that Simmons appeals the magistrate judge’s denial of her motion for appointment of counsel, we lack jurisdiction to review that decision because it, too, has not been rendered final. See *Donovan*, 693 F.2d at 1066-67.

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.