

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-13603

Non-Argument Calendar

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MATTHEW A. TOBIN,

Plaintiff-Appellant,

*versus*

FLORIDA DEPARTMENT OF CORRECTIONS,  
OKALOOSA CORRECTIONAL INSTITUTION,  
FLORIDA STATE PRISON,  
CHARLOTTE CORRECTIONAL INSTITUTION,  
SANTA ROSA CORRECTIONAL INSTITUTION ANNEX,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Florida  
D.C. Docket No. 3:24-cv-00356-MCR-HTC

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Before JORDAN, ROSENBAUM, and ABUDU, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Matthew Tobin, *pro se*, appeals directly from three different magistrate judge rulings: (1) the October 7, 2024 order denying his request for injunctive relief, striking his “Amendment to Defendants,” and ordering him to file a second amended complaint; (2) the October 21, 2024 order denying his motion for default judgment; and (3) the November 5 report and recommendation (“R&R”) that his complaint be dismissed.

None of these rulings is immediately appealable. The district court has not adopted the orders or otherwise rendered them final. *See* 28 U.S.C. § 1291; *Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982) (explaining that a magistrate judge order issued pursuant to 28 U.S.C. § 636(b) is 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 report and recommendation that has not been adopted by the district court is not final and immediately appealable). And its subsequent adoption of the R&R, after Tobin

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appealed, does not cure the premature appeal from the R&R itself. *See Perez-Priego*, 148 F.3d at 1273. Accordingly, we lack jurisdiction to review any of the rulings.

All pending motions are DENIED as moot. 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.