

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13964

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TYQUAVIOS JAQUAN LANDRUM,
a.k.a. Tyquarious Jaquan Landrum,
a.k.a. Tyquavions Jaquan Landrum,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Alabama

D.C. Docket No. 2:24-cr-00062-KD-MU-1

Before JORDAN, LUCK, and KIDD, Circuit Judges.

PER CURIAM:

Upon review of the record and the parties' responses to the jurisdictional question, we conclude that we lack jurisdiction over this appeal because there is not a final or otherwise appealable judgment. Tyquavios Landrum appeals from the district court's judgment, which disposed of the count of conviction but not the other counts charged in the indictment.¹ The district court declared a mistrial as to the other counts. That judgment is not final or otherwise immediately appealable because a count for which a defendant has been sentenced is not separate and distinct for purposes of finality where other counts remain unresolved. *See* 28 U.S.C. § 1291 (providing that the courts of appeals have jurisdiction over "appeals from all final decisions of the district courts"); *Flanagan v. United States*, 465 U.S. 259, 263 (1984) (noting that, in a criminal case, the final judgment rule "prohibits appellate review until conviction and imposition of sentence"); *United States v. Myrie*, 776 F.3d 1280, 1285 (11th Cir. 2015) (dismissing for lack of jurisdiction where

¹ Although Landrum filed his notice of appeal after the jury's verdict but before sentencing, the notice of appeal is effective to appeal the later entered judgment. *See United States v. Curry*, 760 F.2d 1079, 1079-80 (11th Cir. 1985).

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sentence was imposed on some counts but other counts were pending after the grant of a motion for new trial).

Accordingly, this appeal is DISMISSED for lack of jurisdiction. All pending motions are DENIED as moot.