

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-14231

Non-Argument Calendar

RICO MITCHELL,

Plaintiff-Appellant,

versus

PERDIDO TRUCKING, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Alabama
D.C. Docket No. 1:24-cv-00304-KD-B

Before BRANCH, GRANT, and LAGOA, Circuit Judges.

PER CURIAM:

Rico Mitchell, *pro se*, appeals from the district court's December 18, 2024 order affirming the magistrate judge's order directing him to respond to discovery requests, and the district court's December 20, 2024 order denying his motion for summary judgment. Neither of these orders are final and appealable, however, because they did not end the litigation on the merits. *See* 28 U.S.C. § 1291; *Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 986 (11th Cir. 2022) (stating that an appealable final order ends the litigation on the merits and leaves nothing for the court to do but execute its judgment); *see also Drummond Co., Inc. v. Collingsworth*, 816 F.3d 1319, 1322 (11th Cir. 2016) (holding that discovery orders are generally not final and immediately appealable); *Pitney Bowes, Inc. v. Mestre*, 701 F.2d 1365, 1368 (11th Cir. 1983) (holding that "the denial of a motion for summary judgment is not a final decision").

The district court has not issued any final decision on the merits. Mitchell's claims against defendant Perdido Trucking, LLC remain pending, and the court did not certify its December 18 or December 20 orders for immediate review under Federal Rule of Civil Procedure 54(b). *See Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012) (noting that an order that disposes of fewer than all claims against all parties to an action is not immediately appealable absent certification pursuant to Rule 54(b)). Nor are the district court's orders effectively unreviewable

24-14231

Opinion of the Court

3

on appeal from a final order resolving the case on the merits. *See Plaintiff A v. Schair*, 744 F.3d 1247, 1252-53 (11th Cir. 2014) (explaining that a ruling that does not conclude the litigation may be appealed under the collateral order doctrine if it, *inter alia*, is “effectively unreviewable on appeal from a final judgment”).

Accordingly, this appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. 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.