

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-14247

Non-Argument Calendar

DERRICK LAWAYNE DANIELS,

Plaintiff-Appellant,

versus

CAPTAIN LASTER,
LT. LANGLEY,
SGT. CASINO,
SGT. THOMAS,
G. PATTERSON,
Officer, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Alabama
D.C. Docket No. 2:23-cv-00517-MHT-JTA

Before JILL PRYOR, BRANCH, and KIDD, Circuit Judges.

PER CURIAM:

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

Derrick Daniels’s notice of appeal, deemed filed on December 16, 2024, is untimely to challenge the district court’s March 13, 2024 final order and judgment dismissing his case without prejudice for failure to prosecute. *See* Fed. R. App. P. 4(a)(1)(A); 28 U.S.C. § 2107(a); *Green v. Drug Enf’t Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014) (noting that a *pro se* prisoner’s notice of appeal is deemed filed on the date he delivers it to prison authorities for mailing).

To the extent that Daniels also seeks to challenge the district court’s December 3, 2024 order denying his motion for leave to appeal *in forma pauperis* (“IFP”), such rulings are not appealable, as the proper procedure is to file in the appellate court a motion to proceed IFP on appeal. *See* Fed. R. App. P. 24(a)(5); *Gomez v. United States*, 245 F.2d 346, 347 (5th Cir. 1957).

Therefore, we lack jurisdiction to review either the district court’s March 13, 2024 final judgment or the December 3, 2024 order denying Daniels’s motion for leave to appeal IFP.

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Opinion of the Court

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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.