

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-10429

Non-Argument Calendar

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VSP ATLANTA, LLC,

Plaintiff-Appellee,

*versus*

NEKESHIA SMITH,  
and All Others,  
a.k.a. Nyasia Smith,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Georgia

D.C. Docket No. 1:25-cv-00461-JPB

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Before ROSENBAUM, NEWSOM, and GRANT, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Nekeshia Smith appeals directly from the magistrate judge's February 6, 2025 report and recommendation ("R&R") that her case be remanded to state court, but the R&R was not a final or appealable decision. *See* 28 U.S.C. § 1291; *Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982) (providing that a magistrate judge's action that has not been adopted by the district court is not final and immediately appealable). Subsequent adoption of the R&R would not cure the premature notice of appeal. *See Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998).

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.