

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-10545

Non-Argument Calendar

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SAMUEL LEE SMITH, JR.,

Plaintiff-Appellant,

*versus*

CITY OF MIAMI,  
A Political Subdivision,  
ERIC MARTI,  
An Individual,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:23-cv-24150-MD

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Before BRANCH, GRANT, and LAGOA, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Samuel Smith, Jr., proceeding *pro se*, appeals the district court’s February 4, 2025 order granting the defendants’ motion to dismiss in part.

We lack jurisdiction over Smith’s appeal because the February 4 order was not final and appealable, as several of Smith’s claims remain pending before the district court and are set for trial. *See* 28 U.S.C. § 1291 (providing that appellate jurisdiction is generally limited to “final decisions of the district courts”); *Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 986 (11th Cir. 2022) (providing that an appealable final order ends the litigation on the merits and leaves nothing for the court to do but execute its judgment). The order is also not effectively unreviewable on appeal from a final judgment 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”).

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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.