

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12106

Non-Argument Calendar

DARIUS MORRIS,

Petitioner-Appellant,

versus

DOOLY SP WARDEN,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:24-cv-05532-LMM

Before BRANCH, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction because it is not taken from a final or immediately appealable order.

Darius Morris, *pro se*, appears to seek review of the magistrate judge's report and recommendation ("R&R") that his 28 U.S.C. § 2254 petition be dismissed and the associated order for service of the R&R upon the parties, both of which were entered on June 3, 2025. The magistrate judge's R&R is not final or appealable because the district court had not adopted it or rendered it final when Morris appealed. *See* 28 U.S.C. § 1291 (providing that appellate jurisdiction is generally limited to "final decisions of the district courts"); *Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998) (explaining that a magistrate judge's R&R that has not been adopted by the district court is not final or immediately appealable). Moreover, the district court's later adoption of the R&R did not cure Morris's premature appeal. *See Perez-Priego*, 148 F.3d at 1273. Finally, the magistrate judge's order for service of the R&R is not a final or otherwise immediately appealable order. *See* 28 U.S.C. § 1291; *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000) (explaining that final orders generally end litigation on the merits).

All pending motions are DENIED as moot.