

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-12812  
Non-Argument Calendar

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EDWARD LEE BROWN,

*Petitioner-Appellant,*

*versus*

ATTORNEY GENERAL, STATE OF FLORIDA,

*Respondent,*

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

*Respondent-Appellee.*

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Appeal from the United States District Court  
for the Northern District of Florida  
D.C. Docket No. 1:24-cv-00041-AW-ZCB

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

PER CURIAM:

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

Edward Lee Brown, a state prisoner proceeding pro se, filed an amended petition for a writ of habeas corpus. A magistrate judge issued a report and recommendation (“R&R”) that the petition be denied. Brown filed a notice of appeal designating the R&R. The district court then adopted the R&R and entered judgment.

The R&R was not final when Brown filed his notice of appeal because it did not end the litigation on the merits. *See CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000) (explaining that a final judgment leaves nothing for the district court to do but execute the judgment); *Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272, 1273 (11th Cir. 1998) (holding that a magistrate judge’s recommendation that has not been adopted by the district court is not final and immediately appealable). The district court’s subsequent adoption of the R&R did not cure this defect. *See Perez-Priego*, 148 F.3d at 1273 (holding that a district court’s subsequent adoption of a recommendation cannot cure a premature appeal).

All pending motions are DENIED as moot.