

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14543
Non-Argument Calendar

JORDAN KERSAINT,

Petitioner-Appellant,

versus

WARDEN,

Respondent-Appellee,

VALDOSTA STATE PRISON,

Respondent.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:25-cv-02372-MHC

Before LAGOA, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

Jordan Kersaint, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus. On June 23, 2025, a magistrate judge entered an order granting Kersaint leave to proceed in forma pauperis and denying his requests for counsel. On October 28, the magistrate judge issued a report and recommendation (“R&R”) that the petition be dismissed. The district court adopted the R&R and entered judgment on November 18, 2025.

Kersaint filed a notice of appeal that is deemed filed, under the prison mailbox rule, on November 16, 2025 because he certified that he mailed it to the district court on that date. *See* Fed. R. App. P. 4(c). His notice references the denial of habeas relief “on 6/23/2025,” which may be liberally construed as challenging the magistrate judge’s June 23 order and October 28 R&R. *See Carmichael v. United States*, 966 F.3d 1250, 1258 (11th Cir. 2020) (noting that we liberally construe pro se filings).

Kersaint’s notice of appeal is not effective to appeal the district court’s final judgment, as the judgment was entered after he filed his notice. *See Bogle v. Orange Cnty. Bd. of Cnty. Comm’rs*, 162 F.3d 653, 661 (11th Cir. 1998) (holding that a notice of appeal cannot designate a future order that has not been announced). Only the magistrate judge’s rulings existed when Kersaint filed his notice of appeal, and we lack jurisdiction to review those rulings for the following reasons.

The October 28 R&R was not final when Kersaint 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

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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).

Kersaint's notice of appeal is untimely as to the magistrate judge's June 23 order. The deadline to appeal that order was July 23, but Kersaint's notice of appeal was not filed until November 16. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A); *Green v. Drug Enft Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010) (explaining that the deadline to appeal a ruling in a civil action is jurisdictional).

Accordingly, this appeal is DISMISSED, sua sponte, for lack of jurisdiction. All pending motions are DENIED as moot.