

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10048
Non-Argument Calendar

JENNY LINDSAY,

Plaintiff-Appellant,

versus

EMORY UNIVERSITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:24-cv-05545-WMR

Before JORDAN, BRASHER, and KIDD, Circuit Judges.

PER CURIAM:

Jenny Lindsay, proceeding pro se, filed this action against Emory University (“Emory”) regarding a dispute that arose while she was an L.L.M. candidate at the Emory University School of

Law. Emory filed motions to dismiss the action with prejudice and for sanctions against Lindsay under Federal Rule of Civil Procedure 11.

On July 1, 2025, the district court entered an order and judgment granting Emory's motions, dismissing the action with prejudice, awarding Emory an unspecified amount of attorney's fees and costs as a sanction, and directing Lindsay to file a financial affidavit.

Lindsay moved to stay pending appeal the deadline to file the financial affidavit or, alternatively, extend the deadline until after her appeal. On July 28, 2025, the district court entered an order granting in part and denying in part Lindsay's motion, extending the deadline into August.

Also on July 28, Lindsay moved for reconsideration of the July 1 order and judgment. She then filed a supplemental motion for reconsideration of the July 28 order. Emory opposed both motions. Lindsay moved for leave to file an out-of-time reply to Emory's response.

On November 25, the district court entered an order denying Lindsay's motions for reconsideration, finding that "[she] ha[d] failed to state a valid basis for reconsideration." In a separate section of the order, the court also denied her motion for leave to file an out-of-time reply.

The district court sua sponte entered an amended order on December 1. The court explained that "[t]he only modification in this Amended Order [wa]s the removal of the erroneous reference in [the section denying Lindsay's motion for leave to file an

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out-of-time reply].” The amended order, like the initial one, denied Lindsay’s motions for reconsideration, finding that “[she] ha[d] failed to state a valid basis for reconsideration.”

On December 31, Lindsay filed a notice of appeal, designating the July 1 order and judgment, the July 28 order, and the November 25 order and December 1 amended order denying reconsideration.

Emory has filed a motion to dismiss the appeal for lack of jurisdiction, arguing that Lindsay’s notice of appeal is untimely to appeal from the July 1 order and judgment and November 25 order. Emory does not address whether we have jurisdiction to review the July 28 or December 1 orders. Lindsay opposes that motion, arguing that the notice is timely because the district court’s December 1 amended order restarted the appeal period.

We lack jurisdiction over Lindsay’s appeal. First, the July 28 order is not final or immediately appealable. By moving for Rule 11 sanctions, Emory initiated a collateral proceeding that is independent of the underlying case. *See Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 395-96 (1990) (explaining that a district court’s decision to impose Rule 11 sanctions “requires the determination of a collateral issue: whether the attorney has abused the judicial process, and, if so, what sanction would be appropriate”). The district court’s July 28 order is not final because it did not resolve the collateral proceeding and, instead, extended the deadline for Lindsay to file the financial affidavit, contemplating further substantive proceedings. *See CSX Transp., Inc. v. City of Garden City*, 235 F.3d

1325, 1327 (11th Cir. 2000) (explaining that a final decision “is one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment” (quotation marks omitted)); *Freyre v. Chronister*, 910 F.3d 1371, 1377 (11th Cir. 2018). The order is also not appealable under the collateral order doctrine because it does not resolve an important issue completely separate from the merits of the collateral proceeding. *See Plaintiff A v. Schair*, 744 F.3d 1247, 1252-55 (11th Cir. 2014) (explaining the collateral order doctrine). Finally, while the July 28 order denied in part Lindsay’s motion to stay, the order concerns only the progress of the court’s determination of attorney’s fees in this collateral proceeding and is thus not appealable as the denial of an injunction under 28 U.S.C. § 1292(a)(1). *See Feldspar Trucking Co., Inc. v. Greater Atlanta Shippers Ass’n, Inc.*, 849 F.2d 1389, 1391-92 (11th Cir. 1988).

The notice of appeal is untimely as to the district court’s July 1 judgment, November 25 order denying reconsideration, and December 1 amended order denying reconsideration. Contrary to Lindsay’s arguments, the district court’s December 1 amended order denying reconsideration did not disturb or revise legal rights settled by the November 25 order, as there is no difference between the two orders with respect to her motions for reconsideration. *See FTC v. Minneapolis-Honeywell Reg. Co.*, 344 U.S. 206, 211-12 (1952). Thus, the November 25 order is final and triggered the 30-day appeal period for all the orders she appealed. *See id.* We accordingly “cannot ascribe any significance, as far as timeliness is concerned, to the [December 1 amended order],” even as to the appeal from the December 1 order itself. *See id.* at 212.

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Because Lindsay filed a motion that timely sought reconsideration of the district court's judgment, her motion tolled the time to appeal. Fed. R. App. P. 4(a)(4)(A); Fed. R. Civ. P. 59(e). Thus, she had until December 26, 2025, to file a notice of appeal challenging the judgment, the November 25 order denying reconsideration, and December 1 amended order denying reconsideration. See 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(4)(A), 26(a)(1)(C); *Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010). Lindsay, however, filed the notice on December 31, which was too late. See 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(4)(A).

Accordingly, Emory's motion to dismiss is GRANTED, and this appeal is DISMISSED. All other pending motions are DENIED as moot.