

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 26-10280  
Non-Argument Calendar

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COLBY ALEXANDER FRANK,

*Plaintiff-Appellant,*

*versus*

RANDALL ADAM FINE,

in his official capacity as Member of the  
Florida House of Representatives for the  
33rd Congressional District of the State  
of Florida and his individual capacity,  
a.k.a. Randy Fine,

*Defendant-Appellee,*

KERRY TAKACS, et al.,

*Defendants.*

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 6:23-cv-02043-JSS-RMN

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Before JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

PER CURIAM:

Colby Alexander Frank, proceeding pro se, filed a complaint against Randall Fine, alleging First Amendment retaliation and state law claims. Fine filed a motion to dismiss. The district court denied Frank's motion for a ruling on Fine's motion to dismiss the complaint. The district court then denied Frank's motions for a hearing on the motion to dismiss and for judicial notice of certain facts. Finally, the district court denied Frank's second motion for judicial notice and his motion for venue transfer.

Frank filed a notice of appeal, which may be liberally construed as challenging each of these orders. *See Carmichael v. United States*, 966 F.3d 1250, 1258 (11th Cir. 2020) (noting that we liberally construe pro se filings).

The appealed orders are not final because Frank's claims remain pending. *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); *Freyre v. Chronister*, 910 F.3d 1371, 1377 (11th Cir. 2018) (explaining that an order is not final if it "contemplates further substantive proceedings" in the case). The orders are not immediately appealable under the collateral order doctrine because they are

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effectively reviewable on appeal from a final judgment. *Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 989 (11th Cir. 2022) (explaining that an order must resolve a collateral issue completely separate from the merits and be effectively unreviewable on appeal from a final judgment to be appealable under the collateral order doctrine). And, aside from the order denying venue transfer, the orders are not completely separate from the merits. *Id.*

Accordingly, this appeal is DISMISSED, sua sponte, for lack of jurisdiction.