

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10389
Non-Argument Calendar

TIFFANY BROWN,

Plaintiff-Appellant,

versus

WARDEN, FCI MARIANNA,

MILES,

Unit Manager,

SGT KING,

Camp Administrator,

NIKKI ABU-GARDNER,

Nurse Practitioner,

JANE DOE,

Nursing Staff,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 5:25-cv-00356-AW-MJF

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

PER CURIAM:

Tiffany Brown, a federal prisoner proceeding pro se, filed a complaint, seeking relief for alleged violations of her Eighth Amendment rights. Brown subsequently filed three motions for preliminary injunction and a motion for a temporary restraining order. A magistrate judge issued a report and recommendation (“R&R”) recommending that the motions be denied. Brown filed a notice of appeal designating the R&R. The district court then adopted the R&R.

The R&R was not final when Brown filed her notice of appeal because it did not end the litigation on the merits and had not been adopted by the district court or otherwise rendered final when Brown filed her notice of appeal. *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-*

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Priego, 148 F.3d at 1273 (holding that a district court's subsequent adoption of a recommendation cannot cure a premature appeal).

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