

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10632
Non-Argument Calendar

TENNILLE DECOSTE,

Plaintiff-Appellant,

versus

THE CITY OF BOYNTON BEACH,

a Florida Municipal corporation,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:24-cv-81529-MD

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

PER CURIAM:

Tennille Decoste appeals from the district court's January 29, 2026 order granting summary judgment in favor of The City of

Boynton Beach (“Boynton Beach”). Decoste’s employment discrimination complaint asserted claims under Title VII of the Civil Rights Act of 1964 (Counts I and III), the Florida Civil Rights Act of 1992 (Counts II and IV), and the Florida Public Whistleblower Act (Count V).

After Boynton Beach moved for summary judgment on all of Decoste’s claims, Decoste filed stipulation of dismissal as to Count V, pursuant to Federal Rule of Civil Procedure 41. On January 29, 2026, the district granted Boynton Beach’s motion for summary judgment as to Counts I through IV. It did not rule on Count V, noting that Decoste had previously filed a stipulation dismissing that claim.

We lack jurisdiction over this appeal because Count V is still pending. *See* 28 U.S.C. § 1291 (“The courts of appeals . . . have jurisdiction [over] appeals from all final decisions of the district courts.”); *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012) (explaining that a ruling that disposes of fewer than all claims of all parties is not final). The Rule 41 stipulation purporting to dismiss Count V was ineffective because it sought to resolve only one of the five claims pending against Boynton Beach, rather than the entire action. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii); *Rosell v. VMSB, LLC*, 67 F.4th 1141, 1144 (11th Cir. 2023) (providing that a Rule 41 dismissal “can only be for an entire action, and not an individual claim”); *Esteva v. UBS Fin. Servs. Inc. (In re Esteva)*, 60 F.4th 664, 677 (11th Cir. 2023) (explaining that a plaintiff may use

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Rule 41 to dismiss all claims against a particular defendant). Because Count V has not been resolved, Decoste's appeal is not taken from a final, appealable order. *See Sargeant*, 689 F.3d at 1246; 28 U.S.C. § 1291.

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