

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-11599
Non-Argument Calendar

JOHNIE OLIVER, JR.,

Plaintiff-Appellant,

versus

JUDGE RONNIE K. BATCHELOR,
GWINNETT JUDICIAL CIRCUIT,
WARDEN, AUGUSTA SMP,
UNIT MANAGER RASHEEDA THOMAS,
SEARGENT NORRINGTON, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:26-cv-00456-SDG

Before BRANCH, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, sua sponte, for lack of jurisdiction.

Johnie Oliver, Jr., a Georgia state prisoner proceeding pro se, filed a complaint, seeking relief under 42 U.S.C. § 1983. A magistrate judge issued a report and recommendation (“R&R”) recommending that the case be dismissed without prejudice.

Oliver filed a motion for out-of-time appeal that the district court construed as a notice of appeal. Liberally construed, the notice designates the R&R.

The R&R was not final when Oliver filed his construed 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. *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). Accordingly, we lack jurisdiction to review it.