

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-12539
Non-Argument Calendar

BRIAN EVANS,

Plaintiff-Appellant,

versus

STUBHUB, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:25-cv-61708-RS

Before JILL PRYOR, LAGOA and ABUDU, Circuit Judges.

PER CURIAM:

Brian Evans, proceeding pro se, appeals from the district court's order denying his motion for relief from its previous order compelling arbitration and staying proceedings.

The appealed order is not final because it did not end the litigation on the merits or resolve any of Evans's claims. See 28 U.S.C. § 1291 (providing jurisdiction over "final decisions of the district courts"); *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012) (explaining that an order disposing of fewer than all claims of all parties is not final).

Further, the appealed order is not an order from which the Federal Arbitration Act ("FAA") provides for appeal. See 9 U.S.C. § 16(b)(1)-(3) (providing that an appeal may not be taken from an interlocutory order compelling arbitration, directing arbitration to proceed, or staying an action pending arbitration); *Am. Express Fin. Advisors, Inc. v. Makarewicz*, 122 F.3d 936, 939 (11th Cir. 1997) (dismissing appeal of an order compelling arbitration, staying proceedings, and administratively closing a case).

Moreover, the order is not immediately appealable under the collateral order doctrine because judicially-created doctrines do not permit an appeal of an order specifically prohibited by § 16(b). See *ConArt, Inc. v. Hellmuth, Obata + Kassabaum, Inc.*, 504 F.3d 1208, 1210-11 (11th Cir. 2007) (observing that permitting an appeal that § 16(b) specifically prohibits "would amount to using a judge-made doctrine to erase an unequivocal congressional command").

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