

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-12804
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEXANDER JUSTIN MCAFEE,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:26-cr-00129-KKM-GDP-1

Before JILL PRYOR, LAGOA, and ABUDU, Circuit Judges.

PER CURIAM:

Alexander Justin McAfee, a criminal defendant proceeding pro se, appeals the district court's orders denying his motions to

dismiss the indictment and for the court to take judicial notice of its abuse of discretion.

We lack jurisdiction over McAfee's appeal because the district court's orders denying McAfee's motions are not final or otherwise appealable. The appealed orders are not final because McAfee has not been convicted or sentenced. *See* 28 U.S.C. § 1291; *United States v. Curry*, 760 F.2d 1079, 1079 (11th Cir. 1985) (explaining that, in a criminal case, the sentence is the final judgment); *Flanagan v. United States*, 465 U.S. 259, 263 (1984) (explaining that appellate review is generally prohibited in a criminal case until the defendant has been convicted and sentenced).

Further, the appealed orders are not reviewable under the collateral order doctrine, as McAfee may effectively challenge the orders on appeal from a final judgment. *See United States v. Shalhoub*, 855 F.3d 1255, 1260 (11th Cir. 2017); *Richardson Merrell, Inc. v. Koller*, 472 U.S. 424, 430-31 (1985) (explaining that the doctrine applies to district court orders "affecting rights that will become irretrievably lost in the absence of an immediate appeal").

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