

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-12959
Non-Argument Calendar

AMAR GUEYE,

Plaintiff-Appellant,

versus

HILLSBOROUGH TRANSIT AUTHORITY,
CEO HILLSBOROUGH AREA REGIONAL TRANSIT
AUTHORITY,
RECKLESS BLACK MALE OPERATOR OF HART LINE 1,
TRINI KUZMICKI,
in her delightful & Lucrative Official Capacity as
President of HART Insurances,
SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION, et
al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:26-cv-00267-TPB-CPT

Before ROSENBAUM, BRASHER, and KIDD, Circuit Judges.

PER CURIAM:

Amar Gueye, proceeding pro se, filed a complaint, seeking relief for injuries allegedly sustained by him in a bus accident. A magistrate judge issued a report and recommendation (“R&R”) recommending that the complaint be dismissed. Gueye filed a notice of appeal designating the R&R, which opened the instant appeal. The district court later adopted the R&R.

The R&R is not a final and appealable order because it did not end the litigation on the merits, and it had not been adopted by the district court or otherwise rendered final when Gueye filed his 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-Priego*, 148 F.3d at 1273 (holding that a district court’s subsequent adoption of a recommendation cannot cure a premature appeal).

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Opinion of the Court

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