

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10150
Non-Argument Calendar

AHMED I. ISSA,

Petitioner-Appellant,

versus

WARDEN, SMITH STATE PRISON,

Respondent,

CHARLES MEEMS,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:25-cv-04706-ELR

Before ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges.

PER CURIAM:

Ahmed Issa, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus. A magistrate judge issued a report and recommendation (“R&R”) that the petition be dismissed. Issa filed an application for a certificate of appealability that the district court construed as a notice of appeal. The district court then adopted the R&R and entered judgment.

In his construed notice of appeal, Issa objected to the R&R “to secure appellate review in the Eleventh Circuit,” which we liberally construe as challenging the R&R. *See Carmichael v. United States*, 966 F.3d 1250, 1258 (11th Cir. 2020) (noting that we liberally construe pro se filings).

The R&R was not final when Issa filed his notice of appeal because it did not end the litigation on the merits. *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).

Accordingly, this appeal is DISMISSED, sua sponte, for lack of jurisdiction. All pending motions are DENIED as moot.