

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-10682

Non-Argument Calendar

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YVONNE M. WEST,  
Individually and as Administrator of  
the Estate of Jamon West,

Plaintiff-Appellant,

*versus*

DEKALB COUNTY, GEORGIA,  
CAPTAIN PHILLIP DITMORE,  
SENIOR FIREFIGHTER DAVID KELLY,  
SENIOR FIREFIGHTER JASON WINKLER,  
SENIOR FIREFIGHTER KEVIN FLEMING, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Georgia  
D.C. Docket No. 1:23-cv-01907-LMM

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Before BRANCH, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Upon review of the record and the parties' responses to the jurisdictional question, we conclude that we lack jurisdiction over this appeal because there is not a final or otherwise appealable order. Yvonne West appeals from the district court's order, and related judgment, that dismissed several defendants. However, the district court entered its dismissal order on February 2, 2024, just over two weeks after it granted West a 40-day extension to serve four unserved defendants with process, and it acknowledged the extension in the dismissal order. Because this extension of the time to serve had not yet expired at the time the district court entered its dismissal order, that order is not final or otherwise immediately appealable even if only unserved defendants remained. See 28 U.S.C. § 1291; Fed. R. Civ. P. 54(b); *Insinga v. LaBella*, 817 F.2d 1469, 1470 (11th Cir. 1987) (providing that an order dismissing all served defendants is not final for purposes of appeal where the district court "is given reason to believe that it is premature to assume that service will not be made on the currently unserved parties"); *Freyre v. Chronister*, 910 F.3d 1371, 1377 (11th Cir. 2018) (providing

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that a district court order which “contemplates further substantive proceedings in a case is not final and appealable”).

Accordingly, this appeal is DISMISSED for lack of jurisdiction.