

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

RAISSA DJUISSI KENGNE,
Plaintiff-Appellant

v.

GEORGIA POWER COMPANY,
Defendant-Appellee

2022-2175

Appeal from the United States District Court for the Northern District of Georgia in No. 1:22-cv-02297-SEG, Judge Sarah Elisabeth Geraghty.

Before DYK, REYNA, and CHEN, *Circuit Judges*.

PER CURIAM.

O R D E R

After receiving no response to this court's November 16, 2022, order to show cause, we now dismiss.

Raissa Djuissi Kengne filed this civil action alleging claims against the Georgia Power Company over her service and account. She also moved for leave to proceed *in forma pauperis* ("IFP"). On June 10, 2022, the assigned magistrate judge issued a report and recommendation to deny her IFP status and dismiss the case. Ms. Kengne filed

objections from that report with the district court and a notice of appeal that was transmitted to both the United States Court of Appeals for the Eleventh Circuit and this court. The district court thereafter adopted the report and recommendation.

This case is not within the limited authority granted to us by Congress to review federal district court decisions under 28 U.S.C. § 1295(a). That jurisdiction generally extends only to cases arising under the patent laws, *see* 28 U.S.C. § 1295(a)(1); civil actions on review to the district court from the United States Patent and Trademark Office, *see* § 1295(a)(4)(C); or certain damages claims against the United States “not exceeding \$10,000 in amount,” 28 U.S.C. § 1346(a)(2), *see* 28 U.S.C. § 1295(a)(2). This case does not fall into any of those categories.

Although this court may transfer a case to the appropriate regional circuit “if it is in the interest of justice,” 28 U.S.C. § 1631, we conclude that transfer here is not appropriate. The Eleventh Circuit has already dismissed Ms. Kengne’s materially identical appeal. *See Kengne v. Ga. Power Co.*, No. 22-12828, slip op. at 1 (11th Cir. Sept. 29, 2022). Moreover, the Eleventh Circuit has held that a magistrate judge’s report and recommendation is not an appealable judgment and the premature notice of appeal does not “perfect the appeal as of the date of the district court’s judgment.” *Perez-Priego v. Alachua Cnty. Clerk of Ct.*, 148 F.3d 1272 (11th Cir. 1998) (citations omitted).

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.

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(2) Each party shall bear its own costs.

FOR THE COURT

February 28, 2023
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court