

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

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SO. DIST. OF GA.

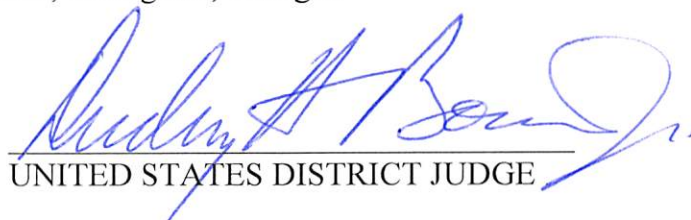
THOMAS YOUNG, )  
)  
Plaintiff, )  
)  
v. )  
)  
TIM WARD, Commissioner; DIRECTOR )  
SHEPPARD; JERMAINE WHITE, Warden; )  
DEPUTY WARDEN WICKER; DEPUTY )  
WARDEN KEITH; and DEPUTY WARDEN )  
BEASLEY, )  
)  
Defendants. )

CV 321-008

**ORDER**

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge’s Report and Recommendation (“R&R”), to which no objections have been filed. In lieu of objections, Plaintiff filed a notice of appeal to the Eleventh Circuit, (doc. no. 12), which does not divest this Court of jurisdiction.<sup>1</sup> Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** Plaintiff’s amended complaint for failure to state a claim upon which relief may be granted, and **CLOSES** this civil action.

SO ORDERED this 4<sup>th</sup> day of June, 2021, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>Appealing a non-appealable order “does not have any effect on the district court’s jurisdiction.” United States v. Riolo, 398 F. App’x 568, 571 (11th Cir. 2010) (*per curiam*) (citing United States v. Hitchmon, 602 F.2d 689, 694 (5th Cir. 1979) (*en banc*)). The Magistrate Judge’s R&R recommending dismissal of Plaintiff’s complaint without prejudice is not interlocutorily appealable. See Garcia v. JP Morgan Chase, No. 1:11-CV-2149-AT, 2012 WL 13008803, at \*1 (N.D. Ga. Mar. 9, 2012).