

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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June 30, 2021

Lucas Wall
435 10TH ST NE
WASHINGTON, DC 20002

Appeal Number: 21-12179-D
Case Style: Lucas Wall v. Centers for Disease Control and Prevention, et al
District Court Docket No: 6:21-cv-00975-PGB-DCI

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Scott O'Neal, D
Phone #: (404) 335-6189

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-12179-D

LUCAS WALL,

Plaintiff-Appellant,

versus

CENTERS FOR DISEASE CONTROL AND PREVENTION,
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
TRANSPORTATION SECURITY ADMINISTRATION,
DEPARTMENT OF HOMELAND SECURITY,
DEPARTMENT OF TRANSPORTATION,
GREATER ORLANDO AVIATION AUTHORITY, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

Before: WILLIAM PRYOR, Chief Judge, JORDAN, and LUCK, Circuit Judges.

BY THE COURT:

This is the second time we are called upon to review this matter. The instant “notice of appeal” was first filed directly in this Court as an “Emergency Petition for Permission to Appeal” in case number 21-90017. We denied Wall’s petition, reasoning that there was no basis for granting the petition. Additionally, we declined to treat the petition as a notice of appeal, partly because none of the district court orders were final and appealable when Wall filed the petition. Nonetheless, it appears that Wall also filed an identical copy of his petition with the

district court, which has now given rise to the instant appeal. We *sua sponte* DISMISS this appeal for lack of jurisdiction.

In this appeal, Wall has indicated that he is appealing the order denying his motion for a temporary restraining order. Just as we noted in case number 21-90017, this order was not appealable when Wall filed his “notice of appeal.” *See Ingram v. Ault*, 50 F.3d 898, 899–900 (11th Cir. 1995). In particular, we note that Wall’s refusal to refile his preliminary injunction motion in the district court in compliance with the court’s local rules, as noted in the magistrate judge’s order, is an insufficient basis for us to exercise our appellate jurisdiction in this case. *See Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225 (11th Cir. 2005) (noting that we may review an order granting or denying a TRO if it might have serious, perhaps irreparable consequences and it can only be effectively challenged via an immediate appeal).

All pending motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.