

## United States Court of Appeals

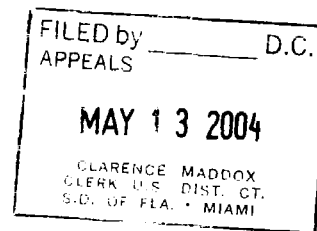
Eleventh Circuit  
56 Forsyth Street, N W  
Atlanta, Georgia 30303

**Thomas K. Kahn**  
Clerk

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May 06, 2004

Clarence Maddox  
Clerk, U.S. District Court  
301 N. Miami Avenue  
Miami FL 33128



**Appeal Number: 04-12069-II**  
Case Style: Marie Jeanne Jean v. Carl Dorelien  
District Court Number: 03-20161 CV-JLK

The enclosed certified copy of this Court's order dismissing the appeal for lack of jurisdiction is issued in lieu of the mandate of this court.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Tonya Dumas (404) 335-6178

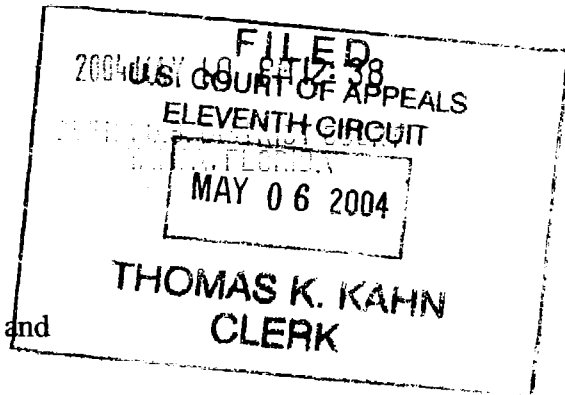
Encl.

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FILED

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

04-12069-II



MARIE JEANNE JEAN, in her individual capacity, and as parent and legal guardian for minors Vladimir Pierre and Michelleda Pierre,

Plaintiff-Counter  
Defendant-Appellant,

LEXIUSTE CAJUSTE,

Plaintiff-Appellant.

versus

CARL DORELIEN,

Defendant-Counter  
Claimant-Appellee,

LUMP SUM CAPITAL, LLC, a Maryland limited liability company,

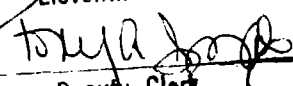
Defendant-Appellee.

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On Appeal from the United States District Court for the  
Southern District of Florida  
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BEFORE: TJOFLAT, BIRCH, and CARNES, Circuit Judges.

BY THE COURT:

This appeal is dismissed, sua sponte, for lack of jurisdiction. The district court's April 6, 2004, order granting the appellee Carl Dorelien's motion for judgment on the pleadings; April 7,

A True Copy - Attested:  
Clerk, U.S. Court of Appeals  
Eleventh Circuit  
By:   
Deputy Clerk  
Atlanta, Georgia

2004, final judgment; April 8, 2004, order granting appellant Marie Jeanne Jean's motion for reconsideration; and April 21, 2004, order granting Dorelien's motion to dismiss the complaint and dismissing the case are not final and appealable. See 28 U.S.C. § 1291; Williams v. Bishop, 732 F.2d 885, 885-86 (11th Cir. 1984); In re Yarn Processing Patent Validity Litig., 680 F.2d 1338, 1340 (11th Cir. 1982). The district court has neither resolved the appellants' claims as to defendant Lump Sum Capital, LLC or Dorelien's counterclaim against the appellants for tortious interference with business and marital relations. Moreover, to the extent the district court's April 21, 2004, order dissolved the March 10, 2004, temporary injunction, that order is not final or immediately appealable. See Fernandez-Roque v. Smith, 671 F.2d 426, 429 (11th Cir. 1982). The motion for attorneys' fees is also dismissed for lack of jurisdiction. See Shannon v. Jack Eckerd Corp., 55 F. 3d 561 (11<sup>th</sup> Cir. 1995).