

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 15-14336-BB

JOHN DOE #1,
JOHN DOE #2,
JOHN DOE #3,
FLORIDA ACTION COMMITTEE, INC.,

Plaintiffs-Appellants,

versus

MIAMI-DADE COUNTY,
FLORIDA DEPARTMENT OF CORRECTIONS,
SUNNY UKENYE,
Circuit Administrator for the Miami Circuit Office,
Florida Department of Corrections, in his full official capacity,

Defendants-Appellees.

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

Before: MARCUS, WILSON and MARTIN, Circuit Judges.

BY THE COURT:

Appellees' motion to dismiss this appeal for lack of jurisdiction is GRANTED IN PART and DENIED IN PART. Appellants have appealed from the district court's April 3, 2015 order dismissing the amended complaint with prejudice and June 23, 2015 order denying their motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b). Appellant's September 25, 2015 notice of appeal is timely as to the April 3 order because the district court did not enter judgment in a separate document and the filing of the Rule 60(b) motion did not

waive this requirement. *See* Fed. R. App. P. 4(a)(1)(A), (a)(7)(A)(ii); Fed. R. Civ. P. 58(a), 60(b). However, the notice of appeal is untimely as to the June 23 order because the district court was not required to set forth judgment as to that order in a separate document and the notice of appeal was not filed within 30 days of the entry of the order. *See* Fed. R. App. P. 4(a)(1)(A), (a)(7)(A)(i). Accordingly, this appeal is hereby DISMISSED as to June 23, 2015 order denying the Rule 60(b) motion but MAY PROCEED as to the April 3, 2015 order dismissing the amended complaint with prejudice.

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

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

Amy C. Nerenberg
Acting Clerk of Court

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March 04, 2016

Nancy Gbana Abudu
ACLU Foundation of Florida, Inc.
4500 BISCAYNE BLVD STE 340
MIAMI, FL 33137-3227

Carrol Y. Cherry Eaton
Attorney General's Office
110 SE 6TH ST STE 900
FT LAUDERDALE, FL 33301-5000

Daniel Boaz Tilley
ACLU Foundation of Florida, Inc.
4500 BISCAYNE BLVD STE 340
MIAMI, FL 33137-3227

Michael B. Valdes
Miami-Dade County Attorney's Office
111 NW 1ST ST STE 2810
MIAMI, FL 33128

Appeal Number: 15-14336-BB
Case Style: John Doe #1, et al v. Miami-Dade County, Florida, et al
District Court Docket No: 1:14-cv-23933-PCH

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

The enclosed order has been ENTERED.

Appellant's brief is due 30 days from the date of the enclosed order. (See Order issued on 01/04/2016)

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Carol R. Lewis, BB
Phone #: (404) 335-6179