

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-12935-C

DARWIN HUMBERTO CORTEZ MARTINEZ,

Plaintiff-Appellant,

versus

MSC CRUISES S.A. CO.,
MSC MALTA SEAFARERS COMPANY
LIMITED,
MSC CRUISE MANAGEMENT (UK) LTD.,

Defendants-Appellees.

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

Before: WILSON, ROSENBAUM, and LUCK, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Appellant seeks to challenge the district court's August 20, 2021 order compelling arbitration, staying the case pending arbitration, and denying all pending motions as moot. We lack jurisdiction to review this order because it is not final or otherwise immediately appealable. *See* 9 U.S.C. § 16(b)(1), (3); *Am. Express Fin.*

Advisors, Inc. v. Makarewicz, 122 F.3d 936, 939 (11th Cir. 1997) (dismissing the appeal of an order compelling arbitration, staying proceedings, and administratively closing the case); *Prod. Trading v. M/V Wesermunde*, 770 F.2d 987, 989 (11th Cir. 1985) (holding that an order granting arbitration and staying the case pending arbitration in an admiralty case is a non-final order which is reviewable only upon appeal from a final decree); *see also Green Tree Fin. Corp.–Ala. v. Randolph*, 531 U.S. 79, 84-89 & n.2 (2000) (holding that an order compelling arbitration and dismissing the case was final and appealable, but noting that if the district court had entered a stay rather than a dismissal, the order would not have been appealable under 9 U.S.C. § 16(b)(1)); *Martinez v. Carnival Corp.*, 744 F.3d 1240, 1243-45 (11th Cir. 2014) (noting that “the district court’s order did not stay the proceedings, nor did it contemplate any further action on th[e] case,” in holding that the order, which compelled arbitration, denied all pending motions as moot, and administratively closed the case, was final and appealable where the district court neither expressly stayed nor expressly dismissed the case).

Any 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.