

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-13892-CC

JOHN DOE,

Plaintiff-Appellant,

versus

CARNIVAL CORPORATION,
d.b.a. Carnival Cruise Line,

Defendant-Appellee.

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

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

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. “To be appealable, an order must either be final or fall into a specific class of interlocutory orders that are made appealable by statute or jurisprudential exception.” *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000); 28 U.S.C. §§ 1291, 1292(a)(3). The district court’s October 18, 2021 order compelling arbitration and staying the case pending arbitration is not appealable under § 1291 because it did not finally resolve the case. *See Am. Express Fin. Advisors, Inc. v. Makarewicz*, 122 F.3d 936, 939 (11th Cir. 1997) (dismissing appeal of order compelling arbitration, staying proceedings, and administratively closing the case).

Nor is the October 18 order immediately appealable under § 1292(a)(3) because, even assuming that this is a proceeding in admiralty, it did not determine “the rights and liabilities of the parties.” 28 U.S.C. § 1292(a)(3); *see Sea Lane Bahamas Ltd. v. Europa Cruises Corp.*, 188 F.3d 1317, 1322-23 (11th Cir. 1999) (explaining that § 1292(a)(3) is to be construed narrowly); *State Establishment for Agric. Prod. Training v. M/V Wesermunde*, 770 F.2d 987, 989-90 (11th Cir. 1985) (explaining that an order compelling arbitration and staying the action pending arbitration is not appealable under § 1292(a)(3) or under any other relevant doctrine). Contrary to the plaintiff’s argument in response to the jurisdictional question, an order compelling arbitration and staying the case without reaching the merits does not determine the rights and liabilities of the parties and, instead, settles how and where the rights and liabilities will be determined. *See State Establishment*, 770 F.2d at 989-90; *see also DeRoy v. Carnival Corp.*, 963 F.3d 1302, 1314 (11th Cir. 2020) (explaining that “[u]nlike with federal cases brought at law, no Seventh Amendment right to a jury trial applies in admiralty cases”); *Beluga Holding, Ltd. v. Commerce Capital Corp.*, 212 F.3d 1199, 1203-04 (11th Cir. 2000).