

Court Had Jurisdiction to Consider District Court Order Not Referenced in the Notice of Appeal

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In *Davila v. Gladden*, 777 F.3d 1198 (11th Cir. 2015), the defendants argued that the Eleventh Circuit Court of Appeals should not consider arguments regarding the district court's order granting the defendants' motion to dismiss claims addressing the plaintiff's religious rights under the First Amendment and the Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb, because the plaintiff only referenced the district court's order granting final summary judgment to defendants on his remaining claims in the notice of appeal. *Davila*, 777 F.3d at 1209 n.5. The Court initially noted that Federal Rule of Appellate Procedure 3(c)(1)(B) provides that a notice of appeal "must ... designate the judgment, order, or part thereof being appealed," and that the plaintiff did not reference the order granting the defendants' motion to dismiss claims regarding monetary relief under the RFRA. *Id.* Nevertheless, the Court reasoned that it had jurisdiction to address these claims because the issues at the motion-to-dismiss stage and the summary judgment stage were "inextricably intertwined" because they were based on the plaintiff's religious rights under the same set of facts and it had previously held that "the appeal from a final judgment draws in question all prior non- final orders and rulings which produced the judgment." *Id.* (citing *Barfield v. Brierton*, 883 F.2d 923, 930 (11th Cir. 1989) (footnote omitted), and *Hill v. BellSouth Telecomm., Inc.*, 364 F.3d 1308, 1313 (11th Cir.2004) (citation omitted)). Moreover, the Court observed that the defendants had not been prejudiced because they were able to argue the money damages questions in their brief before the Court despite any lack of clarity of the notice of appeal. *Id.* Finally, the Court referred to this error or omission as a mere technicality in the notice of appeal insufficient to preclude the Court from considering the merits of the claims. *Id.* (quoting *Foman v. Davis*, 371 U.S. 178, 181 (1962))

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