

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-14957-DD

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff-Appellant,

versus

PLANT CITY POLICE DEPARTMENT,
FLORIDA DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Defendants-Appellees.

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

ORDER:

In order to appeal the district court's denial of his *pro se* civil complaint, Robert Al-Rashid Muhammad Abdullah moves for leave to proceed *in forma pauperis* ("IFP"). Abdullah filed a *pro se* civil complaint against two employees of the Florida Department of Highway Safety and Motor Vehicles and six officers with the Plant City Police Department. Abdullah alleged that he was issued a citation in 2014 for driving without a license, but the Florida Thirteenth Judicial Circuit Court ultimately dismissed the citation, noting that there was insufficient evidence to prove that the vehicle that Abdullah had been operating was one that required a license to operate. Abdullah alleged that, notwithstanding this dismissal, officers of the Plant City Police Department issued at least four additional citations to his son, who was

Appendix A

operating the same vehicle. Upon a motion from the Defendants, the district court dismissed the complaint.

The district court subsequently granted Abdullah leave to file three amended complaints, each of which the court dismissed as an impermissible shotgun pleading. The third and final amended complaint attempted to address the pleading deficiencies identified by the district court by adding additional factual allegations, but, as with the prior complaints, Abdullah incorporated all of those factual allegations into each of the enumerated claims identified in the complaint.

Following the district court's dismissal with prejudice of Abdullah's third amended complaint, he filed an "Affidavit of Facts in Support of Reconsideration to Make Additional Factual Findings," which the district court construed as a motion for reconsideration of its order of dismissal, pursuant to Fed. R. Civ. P. 59(e). The court denied the motion, noting that Abdullah had not demonstrated any persuasive grounds on which the court should reconsider its dismissal. Abdullah filed a notice of appeal and now seeks leave to proceed IFP from this Court. For Abdullah to receive IFP status, his appeal must have arguable merit in either law or fact. See *Napier v. Preslicka*, 314 F.3d 528, 531 (11th Cir. 2002).

Here, Abdullah's appeal is frivolous. Even assuming that he was the proper party in interest as to all of the asserted claims, his third amended complaint was, indeed, a shotgun pleading. The complaint included a 55-page paragraph statement of facts, and, in identifying the 6 claims based on those facts, Abdullah incorporated by reference all 55 paragraphs into each claim, rendering it "virtually impossible to know which allegations of fact are intended to support which claim(s) for relief." See *Anderson v. Dist. Bd. of Trustees of Cent. Fla. Comm. College*, 77 F.3d 364, 366 (11th Cir. 1996). Accordingly, it was appropriate for the district court to dismiss the complaint for failing to state a claim on which relief could be granted. See *Bell*

Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007). Thus, Abdullah has no non-frivolous issue to raise on appeal with regard to the dismissal of his civil action.

As to Abdullah's motion for reconsideration, he similarly has no non-frivolous argument on appeal that the district court erred in denying the motion. The only grounds for granting a Rule 59(e) motion are newly-discovered evidence or manifest errors of law or fact. *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007). Moreover, a Rule 59(e) motion cannot be used to relitigate old matters, raise arguments, or present evidence that could have been raised prior to the entry of judgment. *Id.* Here, Abdullah simply sought to relitigate the grounds on which the district court dismissed his complaint. He offered no new evidence and failed to point to any manifest errors of law or fact.

Accordingly, because any appeal in this case would be frivolous, Abdullah's motion for leave to proceed on appeal IFP is DENIED.

/s/ Kevin C. Newsom
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-14957-HH

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff-Appellant,

versus

PLANT CITY POLICE DEPARTMENT,
FLORIDA DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Defendants-Appellees.

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

Before: JULIE CARNES and NEWSOM, Circuit Judges.

BY THE COURT:

Al-Rashid Muhammad Abdullah has filed a motion for reconsideration of this Court's order dated April 2, 2018, denying his motion for leave to proceed on appeal *in forma pauperis*. Because Abdullah has not alleged any points of law or fact that this Court overlooked or misapprehended in denying his motions, this motion for reconsideration is DENIED.

Appendix B

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-14957-HH

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff - Appellant,

versus

PLANT CITY POLICE DEPARTMENT,
FLORIDA DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Defendants - Appellees.

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

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Al-Rashid Muhammad Abdullah has failed to pay the filing and docketing fees to the district court within the time fixed by the rules, effective June 15, 2018.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Christopher Bergquist, HH, Deputy Clerk

FOR THE COURT - BY DIRECTION

Appendix C

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff,

v.

Case No: 8:16-cv-1182-T-27JSS

CITY OF PLANT CITY POLICE
DEPARTMENT and STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Defendants.

ORDER

BEFORE THE COURT is Defendant State of Florida Department of Highway Safety and Motor Vehicle's Motion to Dismiss and Strike (Dkt. 13) and Motion to Dismiss Plaintiff's Complaint by Defendant "City of Plant City Police Department" (Dkt. 14), to which Plaintiff responded (Dkts. 15, 16). Upon consideration, the Motions (Dkts. 13, 14) are GRANTED.

Al-Rashid Muhammad Abdullah, date of birth May 6, 1975 (Dkt. 16 Ex. D), on behalf of his family and/or son alleges that because an action against him for driving while license suspended was dismissed, *see State of Florida vs. Abdullah, Rashid Muhammad*, Case No: 14-CT-074541 (Fla. 13th Cir. Ct. June 10, 2014), the Defendants are violating the rights of his son Rashid Muhammad Abdullah, date of birth June 5, 1997, by issuing his son traffic citations.¹ Stated differently, he

¹Plaintiff alleges that "the parties in this present case are identical to the parties or their privies," that his son was "kidnapped," that the claims are causing severe emotional distress to him and his family, and that the conduct is a disregard to the rights of him and his family. (Dkt. 1). His opposition to the Defendants' Motions further demonstrates this action stems from the "judgment order" referenced *supra* and repeatedly refers to himself as "we." (Dkts. 15-16). The defendant in Case No: 14-CT-074541 is Abdullah, Rashid Muhammad, date of birth 05/06/1975, while the defendant in Case Nos: 15-CT-015126, 15-TR-077179, 15-TR-077180, and 15-TR-138682 is Abudllah, Rashid Muhammad, date of birth 06/05/1997. *See* Hillsborough County Courts Records Search (last visited Sept. 21, 2016), available at <http://pubrec10.hillsclerk.com/Unsecured/Search.aspx?ID=900> (individual case numbers searched); *see also Boyd v. Georgia*, 512 F. App'x 915, 917 (11th Cir. 2013) (district court may take judicial notice of the online criminal docket

purports to bring this action *pro se* on behalf of his son and/or his family.

"The right to appear *pro se* . . . is limited to parties conducting 'their own cases,' and does not extend to non-attorney parties representing the interests of others." *FuQua v. Massey*, 615 F. App'x 611, 612 (11th Cir. 2015); *see also* 28 U.S.C. § 1654; *Devine v. Indian River Cnty. Sch. Bd.*, 121 F.3d 576, 581 (11th Cir.1997) ("parents who are not attorneys may not bring a *pro se* action on their child's behalf"). Unless Al-Rashid Muhammad Abdullah, is an attorney licensed to practice law in this state, he may not represent his son or other members of his family. *See* 28 U.S.C. § 1654; M.D. Fla. Local Rule 2.01; *FuQua*, 615 F. App'x at 612; *Devine*, 121 F.3d at 581.

Notwithstanding Mr. Abdullah's attempt to bring an action on behalf of his son and/or other members of his family, the Complaint, even construed liberally, fails to allege sufficient facts to show his son's rights were violated, fails to allege that a duty was breached that caused his son harm, and fails to allege claims showing his son is entitled to relief.² *See* Fed. R. Civ. P. 8(a)(2) (a pleading

for the plaintiff).

²He alleges "[n]egligence of all public servants listed as the Defendants." Negligence is a state law cause of action and he fails to plead sufficient facts to establish a claim of negligence as to each Defendant. *See Trinidad & Tobago Unit Trust Corp. v. CB Richard Ellis, Inc.*, 280 F.R.D. 676, 678 (S.D. Fla. 2012) (negligence requires four elements: a duty recognized by law, a breach of that duty, a causal connection between defendant's conduct and injury, and damages).

He alleges "[b]reaches of the Public Trust for neglect . . ." and "conflicts of interest by the PUBLIC SERVANTS of the PLANT CITY POLICE DEPARTMENT." (Dkt 1 ¶¶8-9) (emphasis added). Construing these claims as negligence, this allegations are insufficient to allege a negligence claim. *See CB Richard Ellis*, 280 F.R.D. at 678.

He alleges "[v]iolations of the *Federal and State Constitutions*" and cites Article I, Section 12 of the Florida Constitution. (Dkt. 1 ¶ 10) (emphasis in original). To the extent he is bringing a 42 U.S.C. § 1983 cause of action for a Fourth Amendment violation, he fails to allege sufficient facts that there was either a false arrest, malicious prosecution, or excessive force. *See e.g. Brown v. City of Huntsville, Ala.*, 608 F.3d 724, 734 (11th Cir. 2010) ("[a]n arrest without a warrant and lacking probable cause violates the Constitution and can underpin a § 1983 claim"); *Kingsland v. City of Miami*, 382 F.3d 1220, 1234 (11th Cir. 2004) (the elements a federal malicious prosecution claim are the elements of the common law tort of malicious prosecution "(1) an original judicial proceeding against the present plaintiff was commenced or continued; (2) the present defendant was the legal cause of the original proceeding; (3) the termination of the original proceeding constituted a bona fide termination of that proceeding in favor of the present plaintiff; (4) there was an absence of probable cause for the original proceeding; (5) there was malice on the part of the present defendant; and (6) the plaintiff suffered damages as a result of the original proceeding" and a Fourth Amendment violation of the right to be free from unreasonable seizures"); *Lee v. Ferraro*, 284 F.3d 1188, 1197 (11th Cir. 2002) (Fourth Amendment encompasses right to be free from excessive force during the course of an arrest). Without deciding whether or not the order in Case No: 14-CT-074541 is a bona fide termination of that proceeding, the order in Mr. Abdullah's case cannot be the basis for a malicious prosecution claim for a case against his son. *See Kingsland*, 382 F.3d at 1234.

To the extent Plaintiff is bringing a state law claim for false arrest or malicious prosecution he fails to

must contain "a short and plain statement of the claim showing that the *pleader* is entitled to relief" (emphasis added); *Twombly*, 550 U.S. at 555, 127 S. Ct. at 1965; *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168–69 (11th Cir.), cert. denied, 135 S. Ct. 759, 190 L. Ed. 2d 628 (2014) (While a *pro se* complaint is construed liberally, "this leniency does not give a court license to serve as de facto counsel for a party, or to rewrite an otherwise deficient pleading in order to sustain an action.")

Accordingly, based on the foregoing, the Motions (Dkts. 13, 14) are **GRANTED**. Plaintiff's Complaint is **DISMISSED**. Leave to amend is not granted, unless Mr. Abdullah demonstrates that he is a licensed attorney.³ Failing to comply with this directive will result in any future filings being stricken *sua sponte*, without further notice. The clerk is directed to close this case.

DONE AND ORDERED this 28th day of September, 2016.


JAMES D. WHITTEMORE
United States District Judge

Copies to:
Pro Se Plaintiff, Counsel of Record

sufficiently allege a claim for false arrest under Florida law. See *Sheffield v. City of Sarasota*, No. 8:15-CV-319-T-30TBM, 2015 WL 1346421, at *3 (M.D. Fla. Mar. 24, 2015) ("The essential elements of a cause of action for false arrest include: (1) the unlawful detention and deprivation of liberty of a person; (2) against that person's will; (3) without legal authority or "color of authority"; and (4) which is unreasonable and unwarranted under the circumstances.") (citations omitted).

Plaintiff alleges violations of the double jeopardy clause of the Florida Constitution. (Dkt. 1 ¶ 11). A double jeopardy violation is raised in a criminal case, not in a civil case. See *Moody v. State*, 931 So. 2d 177, 180 (Fla. 2d DCA 2006) ("As is well known, the double jeopardy protections prohibit retrying a defendant after a jury has acquitted him of the charge."); see also *United States v. Bogacki*, 925 F. Supp. 2d 1288, 1291 (M.D. Fla. 2012) (Fifth Amendment protects against "(1) a second prosecution for the same offense after acquittal; (2) a second prosecution for the same offense after conviction; and (3) multiple punishments for the same offense.").

Plaintiff alleges violations of First Amendment and Ninth Amendment of the United States Constitution and Article I, Section 1 of the Florida Constitution for "treat[ing] complainants as adversaries." (Dkt. 1 ¶ 12). The Court construes this allegation as a claim for malicious prosecution. As discussed *supra*, the allegations are insufficient to state this claim.

³Assuming that Mr. Abdullah brought this action on behalf of himself (and not his son), he is proceeding *in forma pauperis*. When a plaintiff is proceeding *in forma pauperis*, the court may dismiss a case if the action is frivolous, malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(b). A complaint that lacks an arguable basis in either law or fact is frivolous. *Neitzke v. Williams*, 490 U.S. 319, 325, 109 S. Ct. 1827, 1832, 104 L. Ed. 2d 338 (1989). Because Mr. Abdullah's claims are based on citations issued to his adult son, claims by Mr. Abdullah for violations of his own rights would likely be dismissed as frivolous.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff,

v.

Case No: 8:16-cv-1182-T-27JSS

CITY OF PLANT CITY POLICE
DEPARTMENT and STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

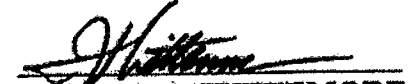
Defendants.

ORDER

BEFORE THE COURT is Plaintiff's Affidavit of Facts to Support Reconsideration for Leave to Amend Complaint - Objecting to Order of Dismissal (Dkt. 18), which is construed as a motion for reconsideration. Upon consideration, the Motion (Dkt. 18) is DENIED.

Although Plaintiff states that he intends to pursue this case only on his own behalf, his motion is replete with references to actions against his "privies," states that his Son and other members of his family are harmed by the Defendants, that "defamation per se violations" were made to himself, his son, and family, that he or his privies were accused of a crime, and that the citations he complains of were issued to his son. As explained in this Court's Order (Dkt. 17), "[t]he right to appear *pro se* . . . is limited to parties conducting 'their own cases,' and does not extend to non-attorney parties representing the interests of others." *FuQua v. Massey*, 615 F. App'x 611, 612 (11th Cir. 2015) (emphasis added). Plaintiff has not demonstrated that he is an attorney, as required by this Court's previous Order, or any persuasive grounds to reconsider (Dkt. 17).

DONE AND ORDERED this 8th day of November, 2016.


JAMES D. WHITTEMORE
United States District Judge

Copies to: *Pro Se* Plaintiff, Counsel of Record

1 Appendix E

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff,

v.

Case No: 8:16-cv-1182-T-27JSS

CITY OF PLANT CITY POLICE
DEPARTMENT and STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Defendants.

ORDER

BEFORE THE COURT is Plaintiff's *pro se* Verified Motion to Make Additional Factual Findings-Request for a Hearing (Dkt. 20). Defendant's pleading, while for the most part taking issue with prior rulings, ultimately requests a hearing, additional factual findings and leave to amend his complaint and to join additional parties (Dkt. 20 at p. 5). Plaintiff's motion is DENIED.

Notwithstanding, if Plaintiff is requesting leave to file an amended complaint asserting a cause of action solely on his own behalf, he may file a *proposed* amended complaint with a short motion for leave to file the amended complaint, within twenty (20) days. If the proposed amended complaint complies with Rule 8, Federal Rules of Civil Procedure, and does not assert claims on behalf of others, leave will likely be granted.¹

DONE AND ORDERED this 29th day of December, 2016.


JAMES D. WHITTEMORE
United States District Judge

Copies to: *Pro Se* Plaintiff, Counsel of Record

¹ If Plaintiff intends to proceed *in forma pauperis*, he must file a new motion to proceed *in forma pauperis* with his amended complaint. He is reminded that leave to proceed *in forma pauperis* will be denied if his amended complaint is frivolous. (see Dkt. 17, n. 3; 28 U.S.C. § 1915(e)).

1 Appendix F

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff,

v.

Case No: 8:16-cv-1182-T-27JSS

CITY OF PLANT CITY POLICE
DEPARTMENT and STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Defendants.

ORDER

BEFORE THE COURT is Plaintiff's Amended Complaint (Dkt. 22), which the Court construes as a Motion for Leave to File an Amended Complaint, and Motion to Proceed *in Forma Pauperis* (Dkt. 23). Upon consideration, Plaintiff is granted leave to proceed *in forma pauperis*, the construed Motion for Leave to File an Amended Complaint is GRANTED, and the Amended Complaint (Dkt. 22) is STRICKEN.

Pursuant to 28 U.S.C. § 1915(a)(1), a court may, upon a finding of indigency, authorize the commencement of an action without requiring the prepayment of fees or security. Granting *in forma pauperis* status is discretionary. *Pace v. Evans*, 709 F.2d 1428, 1429 (11th Cir. 1983). "When considering a motion filed pursuant to § 1915(a), '[t]he only determination to be made by the court ... is whether the statements in the affidavit satisfy the requirement of poverty.'" *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004) (quoting *Watson v. Ault*, 525 F.2d 886, 891 (5th Cir. 1976) (omissions in original)).

Plaintiff's Affidavit of Indigency (Dkt. 23-1) states that he has been unemployed since

1 Appendix G

December 2009, has \$25.00 in total cash, and that he has monthly expenses of \$450.00. He avers he owns one home and one GMC Sierra in full.¹ In light of the foregoing, it appears Plaintiff does not have assets sufficient to pay the required filing fee as well as provide for himself and his two dependents. Accordingly, Plaintiff is granted leave to proceed *in forma pauperis*.

Arguably, Plaintiff's Amended Complaint attempts to state a § 1983 claim for deprivation of property without due process. *See e.g. Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003) (a § 1983 claim alleging denial of due process requires "(1) a deprivation of a constitutionally-protected liberty or property interest; (2) state action; and (3) constitutionally-inadequate process") But, the Amended Complaint fails to comply with the pleading standards explicated in *Atlantic Bell Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), as well as Rules 8 and 10, Fed. R. Civ. P. Each count in the Complaint incorporates all prior allegations, (*see* Dkt. 22 ¶¶ 20, 21, 22, 23, 24), a hallmark of a shotgun pleading, making it "'virtually impossible to know which allegations of fact are intended to support which claim(s) for relief.'" *Paylor v. Hartford Fire Ins. Co.*, 748 F.3d 1117, 1125 (11th Cir. 2014) (quoting *Anderson v. Dist. Bd. of Trs. of Cent. Fla. Cmty. Coll.*, 77 F.3d 364, 366 (11th Cir.1996)). The proper remedy for a shotgun complaint or a complaint that does not comply with Rule 8(a) is to strike the complaint and order a repleader. *Paylor*, 748 F.3d at 1125-27.

Plaintiff may wish to speak with a lawyer at the Legal Information Program operated by the Tampa Chapter of the Federal Bar Association on Tuesdays from 11:00-12:30 p.m. on the 2nd floor of the United States Courthouse, 801 North Florida Avenue, Tampa, Florida. This is a free service for pro se litigants. Reservations for specific appointments may be made by calling (813) 301-5400; walk-ins are welcome if space is available. Additional resources are available for pro se litigants on

¹Plaintiff, in his Amended Complaint, also claims he owns a 2000 Chevy Impala valued at \$1800 that he did not reveal on his Affidavit of Indigency.

the Court's website (www.flmd.uscourts.gov) under the right-side link "Proceeding without a Lawyer."

Accordingly, Plaintiff is granted leave to proceed *in forma pauperis*. the construed Motion for Leave to File an Amended Complaint is **GRANTED**, the Amended Complaint (Dkt. 22) is **STRICKEN**. Plaintiff may file a second amended complaint within twenty (20) days.

DONE AND ORDERED this 23rd day of January, 2017.


JAMES D. WHITTEMORE
United States District Judge

Copies to:
Pro Se Plaintiff,
Counsel of Record

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff,

v.

Case No: 8:16-cv-1182-T-27JSS

CITY OF PLANT CITY POLICE
DEPARTMENT and STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte*.¹ Plaintiff was granted leave to file a Second Amended Complaint (Dkt. 25). Plaintiff has repeatedly been cautioned that he is not permitted to bring actions representing the interests of others (*see* Dkts. 17, 19). Yet, Plaintiff continues to allege that he was prosecuted in Hillsborough County case Nos: 15-CT-015126, 15-TR-138682, 16-TR-031005, 16-CT-009406, 16-TR-051515, and 16-CT-009773 and that the “subsequent ACQUITTALS” established a duty of care between the “Plaintiff [and Privies].” (Dkt. 25 ¶¶ 19, 20). He alleges that “the State . . . failed to NOTIFY . . . how to . . . deal[] with ACQUITTALS or judgments for preventing the harmful acts to the affiliated Parties (Plaintiff),” that “the several accusations of criminal activity . . . shows the intent to convert the exercise of a Rights into a crime” and that the “harmful ACTS result[ed] up to 9 ACQUITTALS for the same accusations of alleged crimes/offenses.” (Dkt. 25 ¶¶ 39, 40). The defendant in the cases alleged by Plaintiff that

¹Plaintiff is proceeding *in forma pauperis* and his Complaint is subject to *sua sponte* review under 28 U.S.C. § 1915(e)(2). *See Nurse v. Sheraton Atlanta Hotel*, 618 F. App'x 987, 988 (11th Cir.), cert. denied, 136 S. Ct. 548, 193 L. Ed. 2d 438 (2015), reh'g denied, 136 S. Ct. 1251, 194 L. Ed. 2d 249 (2016).

resulted in “acquittals” is not the Plaintiff, but Rashid Muhammad Abdullah, date of birth June 5, 1997.² See Hillsborough County Courts Records Search (last visited Feb. 16, 2017), available at <http://pubrec10.hillsclerk.com/Unsecured/Search.aspx?ID=600> (individual case numbers searched); see also *Boyd v. Georgia*, 512 F. App’x 915, 917 (11th Cir. 2013) As stated in two previous orders and at the risk of being repetitive “[t]he right to appear pro se . . . is limited to parties conducting ‘their own cases,’ and does not extend to non-attorney parties representing the interests of others.” *FuQua v. Massey*, 615 F. App’x 611, 612 (11th Cir. 2015). Plaintiff has not demonstrated that he is an attorney.

Additionally, his Complaint still fails to comply with the pleading standards explicated in *Atlantic Bell Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), as well as Rules 8 and 10, Fed. R. Civ. P. Each count in the Complaint incorporates “Section I.” Section I lists eleven bullet points alleging arguably twenty-eight different violations, all of which are incorporated with every factual allegation in every Count making it impossible to ascertain which factual allegations support which claim(s) for relief against which Defendant. See *Paylor v. Hartford Fire Ins. Co.*, 748 F.3d 1117, 1125 (11th Cir. 2014). As an example, Count Two incorporates all the twenty-eight listed alleged violations, alleges that “The State or City or abovementioned Defendants” committed negligent acts, alleges that “The State or City or abovementioned Supervisors/Heads” failed to institute training, and alleges Plaintiff was damages as a result of “Defendants’ negligent breach of duty[.]” While Plaintiff’s complaint is construed liberally, “even in the case of *pro se* litigants this leniency does not give a court license to serve as *de facto* counsel for a party, or to


²Plaintiff implicitly acknowledges the online criminal docket for each case by alleging that Plaintiff was the property owner, not the driver.

rewrite an otherwise deficient pleading in order to sustain an action.”³ *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168–69 (11th Cir. 2014).

Plaintiff will be granted leave to file a third amended complaint, however, Plaintiff must address the shortcomings in his Second Amended Complaint by complying with the pleading requirements, identifying the specific factual allegations and acts by each defendant supporting each individual cause of action, specify which defendant is responsible for each alleged act, and specify which law within each cause of action he alleges was violated by each Defendant. He must exclude any attempt to bring claims on behalf of “privies” or “affiliated Parties.” Failure to cure the deficiencies, comply with the Federal Rules, comply with this Court’s order prohibiting Plaintiff from bringing claims representing the interests of others, and timely filing an amended complaint will result in the third amended complaint being dismissed with prejudice.

Accordingly, the Second Amended Complaint is **STRICKEN**. Plaintiff may file a third amended complaint within twenty (20) days of the date of this Order.

DONE AND ORDERED this 17th day of February, 2017.


JAMES D. WHITTEMORE
United States District Judge

Copies to:
Pro Se Plaintiff,
Counsel of Record

³And Plaintiff was previously informed of the free service for *pro se* litigants operated by the Tampa Chapter of the Federal Bar Association. (See Dkt. 24).

MIME-Version:1.0

From:cmecf_flmd_notification@flmd.uscourts.gov

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Bcc:

--Case Participants:

--Non Case Participants:

--No Notice Sent:

Message-Id:<16007499@flmd.uscourts.gov>

Subject:Activity in Case 8:16-cv-01182-JDW-JSS Abdullah v. Plant City Police Department et al Order on Motion for Hearing

Content-Type: text/plain

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U.S. District Court

Middle District of Florida

Notice of Electronic Filing

The following transaction was entered on 5/12/2017 4:03 PM EDT and filed on 5/12/2017

Case Name: Abdullah v. Plant City Police

Department et al

Case Number: 8:16-cv-01182-JDW-JSS

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Document Number: 36

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36 (No document attached)

Docket Text:

ENDORSED ORDER denying [35] Verified

Motion for Judicial Notice. Plaintiff's motion fails to comply with

Local Rules 3.01(a) and (g). Signed by Judge James D. Whittemore on 5/12/2017.
(AEN)

8:16-cv-01182-JDW-JSS Notice has been electronically mailed to:

Thomas P. Scarritt tps@scarrittlaw.com, gk@scarrittlaw.com, hs@scarrittlaw.com, mc@scarrittlaw.com

David Hollingsworth McClain david.mcclain@myfloridalegal.com,

christina.santacroce@myfloridalegal.com,

julia.heckman@myfloridalegal.com

Martin J. Champagne, Jr mc@scarrittlaw.com

Appendix I

8:16-cv-01182-JDW-JSS Notice has been delivered by other means to:
Al-Rashid Muhammad Abdullah
808 West Madison Street
Plant City, FL 33563

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff,

v.

Case No: 8:16-cv-1182-T-27JSS

CITY OF PLANT CITY POLICE
DEPARTMENT, et al.,

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte*.¹ Plaintiff initiated this lawsuit on behalf of his family and/or his son for alleged violations of his son's rights. His first complaint was dismissed for failing to state a claim. (Dkt. 17). Because Plaintiff sought to bring claims on behalf of his son and/or other members of his family, leave to amend was not granted, unless Plaintiff demonstrated he was a licensed attorney. (Dkt. 17).

Plaintiff's First Amended Complaint (Dkt. 22) was stricken as a shotgun pleading (Dkt. 24). His Second Amended Complaint was also stricken for attempting to represent the interests of others and failing to comply with the pleading standards. (Dkt. 26). Plaintiff was granted leave to file a third amended complaint, his fourth attempt, and cautioned that failing to cure the deficiencies will result in the third amended complaint being dismissed with prejudice.²

¹ Plaintiff is proceeding *in forma pauperis* and his Third Amended Complaint is subject to *sua sponte* review under 28 U.S.C. § 1915(e)(2). See *Nurse v. Sheraton Atlanta Hotel*, 618 F. App'x 987, 991 (11th Cir.), *cert. denied*, 136 S. Ct. 548, 193 L. Ed. 2d 438 (2015), *reh'g denied*, 136 S. Ct. 1251, 194 L. Ed. 2d 249 (2016).

² Plaintiff was also advised of the procedural rules with which he must comply (Dkt. 10), directed to the Middle District of Florida's website to the section titled "Proceeding Without a Lawyer" for additional assistance (Dkt. 10), and advised of the Legal Information Program operated by the Tampa Chapter of the Federal Bar Association, a free service for *pro se* litigants (Dkt. 24).

Plaintiff's Third Amended Complaint fails to cure the deficiencies present in his first three attempts. He fails to allege specific factual allegations and acts by each defendant supporting each cause of action. As an example, Plaintiff conclusively alleges that on certain dates Plant City police officers performed a "per se 'unreasonable seizure of [his] property'" while in his son's "actual possession." (Dkt. 27 ¶ 21). He fails to allege the facts that support his conclusion. He alleges that "All above listed Defendants outrageously performed up to five per se unreasonable seizures" (Dkt. 27 ¶ 56), but fails to allege any facts that State of Florida Department of Highway Safety and Motor Vehicle employees, Clayton Walden and Terry Rhodes, performed "per se unreasonable seizures."

Plaintiff continues to attempt to represent the interests of others. As an example, in Count Three he alleges that "[t]he several accusations of criminal activity by the PCPD Officers, shows the intent to convert the exercise of a Rights into a crime." (Dkt. 27 ¶ 58). However, it was his son who was "in actual possession of [Plaintiff's] 'NOT for-hire' property during these wrongful seizures[.]" (Dkt. 27 ¶ 21). And "several citations" were issued. The "nine subsequent ACQUITTALS on the same accusations" after the "judgment Order" are in Hillsborough County cases in which his son is a defendant.³ (Dkt. 27 ¶¶ 25, 40) Based on his allegations, therefore, he complains of the accusations

³ Compare *State of Florida v. Abdullah*, Case No. 14-CT-074541 (Fla. 13th Cir. Ct. June 10, 2014) (Plaintiff's charge for driving while license suspended dismissed by "judgment Order"), with *State of Florida v. Abdullah*, Case No. 16-CT-009406 (Fla. Hillsborough County Ct., Traffic Division May 17, 2016) (son's charge for operating a motor vehicle with an expired registration dismissed), *State of Florida v. Abdullah*, Case No. 16-TR-51515 (Fla. Hillsborough County Ct., Traffic Division May 17, 2016) (son's charge for improperly displayed or absent vehicle tag dismissed), *State of Florida v. Abdullah*, Case No. 16-CT-9773 (Fla. Hillsborough County Ct., Traffic Division May 17, 2016) (son's charge for operating motor vehicle with expired registration dismissed), *State of Florida v. Abdullah*, Case No. 16-CT-9774 (Fla. Hillsborough County Ct., Traffic Division May 17, 2016) (son's charge for attaching tag not assigned to vehicle dismissed), *State of Florida v. Abdullah*, Case No. 16-TR-031005 (Fla. Hillsborough County Ct., Traffic Division May 10, 2016) (son's charge for operating a vehicle without insurance dismissed), *State of Florida v. Abdullah*, Case No. 15-TR-138682 (Fla. Hillsborough County Ct., Traffic Division, Feb. 1, 2016) (son's charge for operating a motor vehicle with an expired registration dismissed), *State of Florida v. Abdullah*, Case No. 15-CT-015126 (Fla. Hillsborough County Ct., Traffic Division Aug. 4, 2015) (son's charge for driving without a vehicle registration dismissed), *State of Florida v. Abdullah*, Case No. 15-TR-077179 (Fla. Hillsborough County Ct., Traffic Division Aug. 4, 2015) (son's charge for operating a motor vehicle with an expired registration dismissed), and *State of Florida v. Abdullah*, Case No. 15-TR-077180 (Fla. Hillsborough County Ct., Traffic Division Aug. 4, 2015) (son's charge for failure to provide proof of insurance dismissed).

of his son's alleged criminal activity, not his own.⁴

Finally, Plaintiff's complaint is an impermissible shotgun pleading. He incorporates paragraphs 1-55 into every count and merges distinct claims into one count rendering it "virtually impossible to know which allegations of fact are intended to support which claim(s) for relief."⁵ *Anderson v. Dist. Bd. of Trs. of Cent. Fla. Cmty. Coll.*, 77 F.3d 364, 366 (11th Cir.1996).

While his complaint is construed liberally, "this leniency does not give a court license to serve as de facto counsel for a party, or to rewrite an otherwise deficient pleading in order to sustain an action." *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168-69 (11th Cir.), *cert. denied*, 135 S. Ct. 759, 190 L. Ed. 2d 628 (2014). Plaintiff's Third Amended Complaint fails to cure his previous deficiencies, is not a short and plain statement of his claim, and fails to comply with this Court's specific, detailed instructions on how to remedy the deficiencies. Accordingly, Plaintiff's Third Amended Complaint is **DISMISSED with prejudice**. See 28 U.S.C. § 1915(e)(2); *Nurse*, 618 F. App'x at 991. The file shall remain closed. Any pending motions are **DENIED as moot**. Plaintiff's requests for a hearing (Dkts. 33, 34, 37) are **DENIED**.

DONE AND ORDERED this 31st day of July, 2017.


JAMES D. WHITTEMORE
United States District Judge

Copies to:
Pro Se Plaintiff, Counsel of Record

⁴ Notwithstanding, the Court cannot glean any facts that suggest that Plaintiff was accused of any criminal activity after the charge for driving while his license was suspended was dismissed resulting in the "judgment ORDER."

⁵ Count Three is against the PCPD Officers for defamation per se/replevin, Count Four is against all Defendants for due process violations/ breach of fiduciary duty, Count Five is against the PCPD Officers for intentional infliction of emotional distress/conversion, and Count Six is against all Defendants for negligent infliction of emotional distress/ official misconduct.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AL-RASHID MUHAMMAD ABDULLAH,

Plaintiff,

v.

Case No: 8:16-cv-1182-T-27JSS

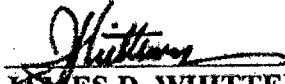
CITY OF PLANT CITY POLICE
DEPARTMENT, et al.,

Defendants.

ORDER

BEFORE THE COURT is Plaintiff's Affidavit of Facts in Support of Reconsideration to Make Additional Factual Findings - Objecting to Order of Dismissal (Dkt. 39), which is construed as a motion. Reconsideration is justified only by (1) an intervening change in controlling law, (2) new evidence, and/or (3) clear error or manifest injustice. *Del. Valley Floral Group, Inc. v. Shaw Rose Nets, LLC*, 597 F.3d 1374, 1383 (Fed. Cir. 2010) (quoting *Degirmenci v. Sapphire-Ft. Lauderdale, LLLP*, 642 F. Supp. 2d 1344, 1353 (S.D. Fla. 2009)); *Davis v. Daniels*, 655 F. App'x 755, 759 (11th Cir. 2016) (per curiam); *Fenello v. Bank of Am., NA*, 577 Fed. App'x 899, 903 n.7 (11th Cir. 2014). And "[a] motion for reconsideration should not be used as a vehicle . . . to reiterate arguments previously made," *Del. Valley*, 597 F.3d at 1384 (citation omitted), or to reargue matters already addressed, *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007). Plaintiff has not demonstrated any persuasive grounds to reconsider.¹ Accordingly, the construed motion is **DENIED**.

DONE AND ORDERED this 5th day of October, 2017.


JAMES D. WHITEMORE
United States District Judge

Copies to: *Pro Se* Plaintiff, Counsel of Record

¹ Furthermore, Plaintiff's construed motion does not include a memorandum of legal authority and therefore fails to comply with Local Rule 3.01(a).

1 Appendix K

**Additional material
from this filing is
available in the
Clerk's Office.**