

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-13342-B

ANTOANET IOTOVA,

Plaintiff - Appellant,

versus

GARY FARMER,
Candidate for Florida Senator 34 District, Republican Party,
FLORIDA DIVISION OF ELECTIONS,
FLORIDA DEPARTMENT OF STATE,

Defendants - Appellees.

Appeal from the United States District Court
for the Southern 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 Antoaneta Iotova failed to pay the filing and docketing fees to the district court, or file a consent form within the time fixed by the rules., effective February 26, 2019.

DAVID J. SMITH

Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Craig Stephen Gantt, B, Deputy Clerk

FOR THE COURT - BY DIRECTION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ANTOANET IOTOVA,

CASE NO. 16-62297-CIV-DIMITROULEAS

Plaintiff,

vs.

GARY FARMER, FLORIDA DIVISION
OF ELECTIONS, FLORIDA DEPARTMENT
OF STATE,

Defendants.

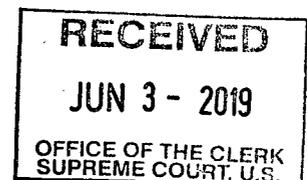
ORDER

THIS CAUSE is before the Court on Plaintiff's May 7, 2019 Plea for Information [DE-21] filed on May 15, 2019. The Court has carefully considered the Motion, requesting a copy of this court's opinion, and is otherwise fully advised in the premises. The Court finds as follows:

1. On September 27, 2016, this Court *sua sponte* dismissed¹ Plaintiff's complaint, without prejudice. [DE-4]. On July 15, 2018, Plaintiff filed a Motion for Reconsideration. [DE-5]. It was denied on July 26, 2018. [DE-6]. A copy of the order was mailed to the Metropolitan Detention Center. On July 24, 2018, Plaintiff filed a Notice of Appeal. [DE-7]. On August 23, 2018, this Court denied, without prejudice, a request to proceed IFP. [DE-12]. A copy of the order was sent to the Metropolitan Detention Center. A Notice of Appeal was filed on August 28, 2018. [DE-13]. On September 17, 2018, the Court approved IFP for filing fees only. [DE-16]. On February 26, 2019, the Eleventh Circuit dismissed the appeal. [DE-20].

2. In this latest request, Plaintiff seeks a copy of this court's opinion or a magistrate's recommendation. There was no magistrate recommendation. This Court's opinion was sent to

¹ A copy of the order was mailed to Plaintiff's address listed on her complaint.



Plaintiff over 31 months ago. The Post Office has not returned any of this Court's orders as undeliverable.

3. In an abundance of caution, enclosed with this order is a copy of this court's three (3) page September 27, 2016 order. [DE-4].

Based on the foregoing, it is hereby ORDERED AND ADJUDGED that Plaintiff's Request [DE-21] is Granted, in part.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 16th day of May, 2019.

A handwritten signature in black ink, reading "William P. Dimitrouleas". The signature is written in a cursive style with a horizontal line underneath the name.

WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Counsel of Record

Antoanet Iotova, *Pro Se*
15570104
Metropolitan Detention Center
PO Box 329002
Brooklyn, NY 11232

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-62297-CIV-DIMITROULEAS

ANTOANET IOTOVA

Plaintiff,

vs.

GARY FARMER, FLORIDA DIVISION OF
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Defendants.

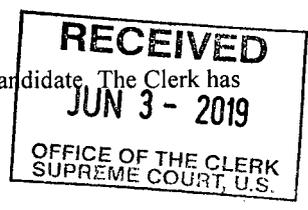
ORDER DISMISSING PLAINTIFF'S COMPLAINT

THIS CAUSE is before the Court *sua sponte*, upon review of *pro se* Plaintiff, Antoanet Iotova ("Plaintiff")'s Complaint, filed herein on September 26, 2016 [DE 1]. Plaintiff alleges claims against Republican¹ Party candidate for Florida Senator District 34, Gary Farmer, challenging whether he lives in the appropriate district. *See* [DE 1].

On September 26, 2016, Plaintiff filed the Complaint [DE 1] concurrently with a Motion for Leave to Proceed IFP [DE 3]. The Court has carefully reviewed the Complaint and is otherwise fully advised in the premises.

The Court notes that Plaintiff is *pro se*. A *pro se* litigant's pleadings must be construed more liberally than pleadings drafted by attorneys. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *see also Miller v. Donald*, 541 F.3d 1091, 1100 (11th Cir. 2008) ("*pro se* pleadings are held to a less stringent standard than those pleadings drafted by attorneys and will, therefore, be liberally construed") (citations omitted). However, "this leniency does not give a court license to

¹ Actually, Iotova is the Republican Party candidate, and Farmer is the Democratic Party candidate. The Clerk has erroneously entered the style of the case in CM/ECF.



serve as de facto counsel for a party . . . or to rewrite an otherwise deficient pleading in order to sustain an action." *GJR Invs., Inc. v. County of Escambia, Fla.*, 132 F.3d 1359, 1369 (11th Cir. 1998) (citations omitted).

Federal courts are courts of limited jurisdiction. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). District courts have an obligation to inquire into subject matter jurisdiction whenever the possibility that jurisdiction does not exist arises, *Fitzgerald v. Seaboard System R.R., Inc.*, 760 F.2d 1249, 1251 (11th Cir. 1995), and should dismiss an action where it appears that the court lacks jurisdiction. Fed. R. Civ. P. 12(h)(3). The Civil Cover Sheet indicates that there is federal question jurisdiction under 28 U.S.C. § 1331. Federal question jurisdiction does not appear to be present, however, as Plaintiff has only alleged "constitutional matter," which is non-specific. Plaintiff appears to be suing to enforce provisions of the Florida Constitution², not a provision of the Federal Constitution. Based on the Complaint³ and Civil Cover Sheet, this Court does not have federal question jurisdiction under 28 U.S.C. § 1331.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Complaint [DE 1] is hereby **DISMISSED without prejudice**;
2. The Clerk is directed to **CLOSE** this case and **DENY** any pending motions as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 27th day of September, 2016.


WILLIAM P. DIMITROULEAS
United States District Judge

² It appears that Iotova would not prevail in state court as Article III, Section 15 (c), Fla. Const. requires residency in the district at the time of election, not qualification. *Matthews v. Steinberg*, 153 So. 3d 295 (Fla. 1st DCA 2014).

³ The complaint alleges that a candidate's oath is attached, but none appears.

Copies furnished to:

Antoanet Iotova, *pro se*
P.O. B. 224002
Hollywod, FL 33022