

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-14594-G

DARIO M. RODRIGUEZ,

Plaintiff-Appellant,

versus

JUSTICE ALAN LAWSON,
ATTORNEY GENERAL, STATE OF FLORIDA,
JUSTICE CHARLES T. CANADY,
HUGH HURWITZ,
Federal Bureau of Prison; Supervising Staff,
JAMES C. MAHEN,
District Court Justice, et al.,

Defendants-Appellees.

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

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

BY THE COURT:

Dario Rodriguez, a Florida prisoner, filed this *pro se* civil-rights lawsuit, pursuant to 42 U.S.C. § 1983, naming as defendants various officials, including numerous judges, United States Attorneys General, prison administrators, and state governors in Florida and Nevada. Although he openly conceded that no named defendant personally violated his constitutional rights, he generally alleged that the defendants—through the implementation of various unspecified prison policies and regulations—denied him access to the courts, subjected him to dangerous prison conditions, and covered up an improvident investigation of his offenses.

The district court *sua sponte* dismissed Rodriguez's amended complaint, pursuant to 28 U.S.C. § 1915A, for failure to state a claim for relief and as frivolous. Rodriguez appealed and now moves for leave to proceed ("LTP"). Rodriguez has consented to pay the \$505.00 filing fee, using the partial payment plan described under § 1915(b). Thus, the only remaining issue is whether the appeal is frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

A district court's *sua sponte* dismissal for failure to state a claim pursuant to § 1915A is reviewed *de novo*, using the same standards that govern Fed. R. Civ. P. 12(b)(6) dismissals. *See Mitchell v. Farcass*, 112 F.3d 1483, 1489–90 (11th Cir. 1997). To survive a Rule 12(b)(6) motion to dismiss, a complaint must allege sufficient facts to state a claim that is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* "[C]onclusory allegations, unwarranted deductions of facts or legal conclusions masquerading as facts will not prevent dismissal." *Oxford Asset Mgmt., Ltd. v. Jaharis*, 297 F.3d 1182, 1188 (11th Cir. 2002).

Here, the district court properly *sua sponte* dismissed Rodriguez's amended complaint for failure to state a claim for relief and as frivolous. Rodriguez admitted that the defendants personally did not deprive him of any constitutional rights and does not allege what specific constitutional rights he was deprived of, or when or where the alleged incidents occurred, or by whom. Accordingly, Rodriguez, in his 40-page amended complaint, failed to allege sufficient facts to state a facially plausible claim against any of the defendants, *see Iqbal*, 556 U.S. at 678, and, thus, filed an improper "shotgun" pleading, *see Magluta v. Samples*, 256 F.3d 1282, 1284 (11th Cir. 2001). Therefore, any appeal by Rodriguez would be frivolous.

Accordingly, this Court DENIES leave to proceed, and DISMISSES the appeal.