

Appendix A-1

**UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT**

**ELBERT PARR TUTTLE COURT OF APPEALS
BUILDING**

56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith Clerk of Court

November 06, 2019

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 18-12215-AA

Case Style: Jeffrey Hill, Sr. v. Leandra Johnson, et al

District Court Docket No: 3:17-cv-01342-HLA-JRK

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure,
and Eleventh Circuit Rule 41-1 for information
regarding issuance and stay of mandate.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: T. L. Searcy, AA/lt

Phone #: (404) 335-6180

Appendix A-2

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-12215-AA

JEFFREY LANCE HILL, SR.,

Plaintiff-Appellant

versus

LEANDRA G. JOHNSON,
individually,
GREGORY S. PARKER
individually,
JENNIFER B. SPRINGFIELD
individually,
WILLIAM F. WILLIAMS, III,
individually, JOEL F. FOREMAN, individually,
SUWANNEE RIVER WATER MANAGEMENT
DISTRICT, CITY OF LAKE CITY, FLORIDA, et al.,

Defendants-Appellees.

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

ON PETITION(S) FOR REHEARING AND
PETITION (S) FOR REHEARING EN BANC
BEFORE: WILSON, BRANCH, AND JULIE
CARNES, Circuit Judges:
PERCURIAM:

Appendix A-3

The petition for Rehearing is DENIED. No judge in regular active service on the Court having requested that the Court be polled on rehearing en banc, the Petition for Rehearing En Banc is also DENIED. (Federal Rule of Appellate Procedure 35).

ENTER FOR THE COURT

Signature not legible, via phone call, clerk would not identify the judge.

UNITED STATES CIRCUIT JUDGE

Appendix A - 4

[DO NOT PUBLISH]
IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-12215
Non-Argument Calendar

D.C. Docket No. 3:17-cv-01342-HLA-JRK

JEFFREY LANCE HILL, SR.,
Plaintiff-Appellant,

versus

LEANDRA G. JOHNSON,
individually,
GREGORY S. PARKER,
individually,
JENNIFER B. SPRINGFIELD,
individually,
WILLIAM F. WILLIAMS, III,
individually,
JOEL F. FOREMAN,
individually,
SUWANNEE RIVER WATER MANAGEMENT
DISTRICT, CITY OF LAKE CITY, FLORIDA, et al.,
Defendants-Appellees.

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

(September 20, 2019)

Before WILSON, BRANCH, and JULIE CARNES,
Circuit Judges. PER CURIAM:

Appendix A-5

Jeffrey Hill, proceeding *pro se*, appeals the district court's *sua sponte* dismissal with prejudice, pursuant to 28 U.S.C. §1915(e)(2)(B), of his *pro se* civil rights complaint, in which he asserted that several prior Florida judgments against his farm were improper and that the defendants' actions violated his rights under 42 U.S.C. §§ 1982, 1983, and 1985 (3), and the Fifth, Eighth, and Fourteenth Amendments of the United States Constitution. Additionally, he appeals the denial of his motion for reconsideration and leave to amend his complaint.ⁱ For the following reasons, we affirm.

I.

In 2017, Hill filed a *pro se* civil rights complaint against three Florida judges (the "judicial defendants"); two Florida attorneys; the Suwannee River Water Management District (the "District"); Columbia County, Florida (the "county"); and the City of Lake City, Florida (the "city"). The basis for Hill's complaint was multiple prior Florida state court judgments entered against his farm. Specifically, in 2006, the District brought a lawsuit in Florida state court against Hill's Farm, El Rancho No Tengo, Inc., alleging that the farm had repaired a pipe on the property without obtaining the proper permits. The District prevailed in that action and over the years several civil judgments have been entered against the farm, imposing civil penalties and authorizing the District to allow water to flow onto Hill's land. According to the complaint, Hill has unsuccessfully attempted to obtain relief in matter related to those judgments in two state court cases,

Appendix A-6

two bankruptcy cases, and various federal and state appeal processes.

After summarizing the procedural history of the various legal proceedings related to the Florida judgments in his complaint, Hill asserted, without further explanation, that: (1) the defendants' actions violated his right "to inherit, purchase, lease, sell, hold and convey real and personal property," under 42 U.S.C. § 1982; (2) the defendants' actions violated his "right to redress for deprivation of rights, privileges or immunities secured by the Constitution and laws" under 42 U.S.C. § 1983; (3) the defendants' "conspired to deprive him of his civil right to equal protection of the laws," in violation of 42 U.S.C. § 1985(3); (4) the defendants' actions violated the Fifth Amendment's guarantee that a person cannot be deprived of property without due process of law and that property could not be taken for public use, without just compensation; (5) two of the judges violated the Eighth Amendment's guarantee that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted"; and (6) the District, the county, and the city violated the Fourteenth Amendment, which provides that the State cannot deprive a person of property without due process of law and shall not "deny to any person within its jurisdiction the equal protection of the laws." As relief, he requested compensatory and punitive damages, a declaratory judgment that the defendants' actions violated his constitutional rights, and an award of fees and costs. Hill paid the filing fee when he filed his complaint.

Appendix A-7

The judicial defendants and Springfield made a limited appearance and moved to quash for improper service of process. The city and the District moved to dismiss the complaint for failure to state a claim upon which relief may be granted, pursuant to federal Rule of Civil Procedure 12(b)(6), arguing among other things that Hill's claims were barred by the *Rooker-Feldman* doctrine.

Without addressing the pending motions, the district court *sua sponte* dismissed Hill's complaint, pursuant to 28 U.S.C. § 1915(e)(2)(B), concluding that given this procedural history, the district court concluded without further explanation that Hill failed to state a claim upon which relief could be granted and dismissed the complaint with prejudice.

Hill subsequently moved for reconsideration and for leave to file an amended complaint, maintaining that the district court had the authority to review his claims, and that he stated viable claims for relief. The district court denied the motion. This appeal follows.

II.

Hill first challenges the district court's *sua sponte* dismissal of his complaint. He maintains that the district court had authority to review the state court judgments against him and that the state court judgments were wrong.

"We review de novo a district court's *sua sponte* dismissal for failure to state a claim, pursuant to § 1915(e)(2), using the same standards that govern Federal Rule of Civil Procedure 12(b)(6) dismissals." *Farese v. Scherer*, 342 F.3d 1223, 1230 (11th Cir. 2003). As an initial matter, the district court erred in dismissing the complaint under § 1915(e)(2)(B), as

Appendix A-8

§ 1915 applies to a party that is proceeding [*in forma pauperis*].”). Nevertheless, we may affirm the judgment of the district court on any ground supported by the record, regardless of whether that ground was relied upon or even considered by the district court.” *Kernel Records Oy v. Mosley*, 694 F.3d 1294, 1309 (11th Cir. 2012). Although the district court incorrectly acted under § 1915 (e), we conclude that dismissal under Rule 12(b)(6) was nonetheless appropriate.

To prevent dismissal under Rule 12(b)(6), the plaintiff must allege sufficient facts “to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). In making this determination, “*pro se* pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed.” *Hughes vs. Lott*, 350 F.3d 1157, 1160 (11th Cir. 2003) (quotations omitted). “A complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show the plaintiff is not entitled to relief.” *Jones vs. Bock*, 549 U.S. 199, 215 (2007). “If the complaint contains a claim that is facially subject to an affirmative defense, that claim may be dismissed under Rule 12(b)(6).” *LeFrere v. Quezada*, 582 F.3d 1260, 1263 (11th Cir. 2009).

Here, although Hill cursorily, and without any further explanation, asserted that his rights were violated by the defendants’ actions, the gravamen of Hill’s complaint sought to relitigate the various state court judgments entered against his farm, and seek relief from the alleged damages resulting from those prior judgments.ⁱⁱⁱ Thus Hill’s claims were barred by the *Rooker-Feldman* doctrine, which precludes

Appendix A-9

federal district courts from reviewing “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting court review and rejection of those judgments.” *Exxon Mobil Corp. v. Suadi Basic Indus Corp.*, 544 U.S. 280, 284 (2005); *see also Johnson v. De Grandy*, 512 U.S. 997, 1005-06 (1994) (explaining that the *Rooker-Feldman* doctrine is an abstention doctrine, “under which a party losing in state court is barred from seeking what in substance would be appellate review of the state judgment in a United States district court, based on the losing party’s claim that the state judgment itself violates the loser’s federal rights”). Accordingly, Hill’s complaint failed to state any claim upon which the district court could grant relief. He then argues that the civil penalties and fines imposed against the farm were unconstitutional and excessive, that the District did not have the authority to require him to obtain a permit to repair the pipe, and that the state court lacked subject matter jurisdiction over 2006 action brought by the District.

III.

Hill also challenges the district court’s denial of his motion for reconsideration and leave to amend his complaint.

We review the denial of a motion for reconsideration for an abuse of discretion. *Richardson v. Johnson*, 598 F.3d 734, 740 (11th Cir. 2010). “A motion to amend a complaint for an abuse of discretion, but we review questions of law *de novo*.” *Conventry First, LLC. V. McCarty*, 605 F.3d 865, 869 (11th Cir. 2010)

Appendix A-10

(quotation omitted). The Court has held that a district court must allow a plaintiff at least one opportunity to amend a pleading before dismissing it for failure to state a claim, “if it appears a more carefully drafted [pleading] might state a claim upon which relief can be granted.” *Silva v. Bieluch*, 351 F.3d 1045, 1048-49 (11th Cir. 2003) (quotation omitted). “a district court need not, however, allow an amendment (1) where there has been undue delay, bad faith, dilatory motive, or repeated failure to cure deficiencies by amendments previously allowed; (2) where allowing amendment would cause undue prejudice to the opposing party; or (3) where amendment would be futile.” *Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001).

Here, the district court did not abuse its discretion by denying Hill’s motion for reconsideration. Hill was simply quarrelling with the outcome and attempting to relitigate his claims. *See Richardson*, 598 F.3d at 740. Likewise, the district court abuse its discretion in denying his motion for leave to amend, as amendment would have been futile because the ultimate relief Hill sought in the district court – review of the state court judgments against his farm – is barred by the *Rooker-Feldman* doctrine. Accordingly, we affirm the district court’s denial of Hill’s motion for reconsideration and leave to amend. **AFFIRMED.**

¹ Following the dismissal of his complaint, one of the defendants moved for sanctions, pursuant to Federal Rule of Civil Procedure 11, which the district court granted following a hearing. We previously dismissed in part the appeal as to the issue of sanctions for lack of jurisdiction because the district

Appendix A-11

court did not determine the amount of sanctions which rendered the decision non-final

ⁱⁱ *Rooker v. Feldman Trust Co.*, 263 U.S. 413 (1923) and D.C. *Court of Appeals v. Feldman*, 460 U.S. 462 (1983). The action was “frivolous, malicious, or failed to state a claim on which relief may be granted.” The court noted that Hill previously had filed multiple cases in the district court concerning the same facts and seeking the same relief. He was unsuccessful in all those cases. (*Id.*).

ⁱⁱⁱ Furthermore, his brief before this court makes clear he sought to have the district court review the Florida judgments. For instance, Hill under 28 U.S.C. § 2201 “to end the controversy by overturning, vacating or setting aside errant decisions of the state court.”

Appendix A-12
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JEFFREY LANCE HILL, SR.,

Plaintiff,

v. Case No. 3:17-cv-1342-J-25 JRK

LEANDRA G. JOHNSON, ect., et al,

Defendants.

ORDER

THIS CAUSE is before the Court on Defendant Suwannee River Water Management District's Motion for Attorneys Fees, Cost and Final Judgement (Dkt. 35). Plaintiff has filed an appeal in this case (Dkt. 28). Thus, it is ORDERED:

Defendant Suwannee River Water Management District's Motion for Attorneys Fees, Cost and Final Judgement (Dkt. 35) is DENIED without prejudice to refiling after the appeal has been resolved in this case.

DONE AND ORDERED this 26th day of July 2018.

HENRY LEE ADAMS, JR.

United States District Judge

Appendix A-13

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JEFFREY LANCE HILL, SR.,

Plaintiff,

v. Case No. 3:17-cv-1342-J-25-JRK

LEANDRA G. JOHNSON, etc., *et al*,

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court on Defendant Suwannee River Water Management District's Motion for Sanctions (Dkt. 20). Plaintiff filed a response to the motion and the Court held a hearing on the matter.

As an initial note, the Court finds that Plaintiff's Motion to Rehear (Dkt. 17) and Motion for Stay of Enforcement (Dkt. 21) are frivolous and therefore due to be denied.

Background

As noted in the Court's Order dismissing this case (Dkt. 14), for more than ten years, Plaintiff has filed multiple cases in this court regarding the facts articulated in the instant complaint; there is no need to restate them now. As stated by Judge Corrigan in case number 3:15-cv-1013-J-32. Dkt. 14:

Appendix A-14

Plaintiff has filed several actions in this Court arising out of the same relief; that is, to revisit the validity of state court liens, judgments, and litigation beginning in 2006. See, e.g., *Hill v. Suwannee River Water Mgmt. Dist.*, No. 3:12-cv-860-TJC (affirming U.S. Bankruptcy Court's dismissal of Hill's Chapter 12 case, and explaining "Despite appellant's request, this Court has no authority to review the state court decisions which underlie the bankruptcy court's ruling" (Doc. 22 at 2), where Hill identified as issues on appeal from U.S. Bankruptcy Court that "The Bankruptcy Court erred in its refusal to explore the validity of the State Court judgment"; "The State Circuit has no jurisdiction... in Case No. 06-203 CA, therefore judgment is void ab initio"; and "There is a conflict of authority between State Circuit Case No. 06-203 CA and State Circuit Court Case No. 89-22 CA..."(Doc. 7 at 6)), *aff'd*, No. 14-10609 (11th Cir. Nov. 19, 2014); *Hill v. Suwannee River Water Mgmt. Dist.*, No. 3:15-cv-1475-TJC (identifying in statement of issues, "Since the bankruptcy court's abstinence relies on the validity of the State Court's judgments in case# 2006-203 CA, whether the state court and the Suwannee River Water Management District had competent jurisdiction and authority to begin action." (Doc. 4 at)); *Hill v. Suwannee River Water Mgmt. Dist.*, No. 3:15-cv-1445-J-32JRK ("The objective of this action [for declaratory judgment and quiet title] is to obtain an unprejudiced determination of the legal authority of the District to begin legal action against the farm and Hill, also to obtain a legal determination of the validity of the state court's adjudication in case nos. 06-206CA and 13-666 CA." (Doc. 1 at 1))...

Appendix A-15

Of note, in this same Order, Judge Corrigan stated, "there is no basis for...any further cases arising from these facts. Thus, the Court will strongly consider awarding sanctions if Plaintiff continues to file such pleadings."

Instead of heeding this admonition, Plaintiff filed the instant case in this Court. As has been detailed in prior orders entered in Plaintiff's related cases, Plaintiff's Complaint fails to state any claim upon which relief can be granted in this Court.

Accordingly, Defendant filed a motion for Rule 11 sanctions in the instant case, seeking its fees and expenses for defending this case.

Standard

Rule 11 sanctions are proper (1) when a party files a pleading that has no reasonable factual basis; (2) when the party files a pleading that is based on a legal theory that has no reasonable chance of success and that cannot be advanced as a reasonable argument to change existing law; and (3) when the party files a pleading in bad faith for an improper purpose. *Jones v. Int'l Riding Helmets, Ltd.*, 49 F.3d 692, 694 (11th Cir. 1995).

Further, 28 U.S.C. Section 1927 provides. "Any attorney or *other person* admitted to conduct cases in any court of the United States or any Territory thereof who so *multiplies* the proceedings in any case *unreasonably and vexatiously* may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct" (emphasis added).

The Court also has the inherent authority to sanction litigants. However, "[i]nvocation of a court's inherent power requires a finding of bad

Appendix A-16

faith.” *In re Mroz*, 65 F. 3d 1567, 1575 (11th Cir. 1995).

Analysis

Plaintiff’s multiple cases based upon the same facts have not only strained the Court’s limited resources, but also forced Defendant to incur significant expenses in responding to the Complaints as well as Plaintiff’s other improper filings.

This Court would ordinarily avoid sanctioning a pro se litigant and has taken Plaintiff’s unrepresented status into account, affording him every possible benefit of the doubt. However, the Court has no problem in this case making a finding of bad faith, that Plaintiff brought this case for an improper purpose and vexatiously multiplied the proceedings. Given the prior admonitions, sanctions under Rule 11 and the Court’s inherent authority are clearly appropriate.

This for the reasons stated in this Order and Defendant’s Motion for Sanctions, it is **ORDERED**:

1. Defendant Suwannee River Water Management District’s Motion for Sanctions (Dkt. 20) is **GRANTED**; Defendant shall have until June 25, 2018 to submit its motion for reasonable costs and expenses incurred in defending this case;
2. Plaintiff’s Motion to Rehear (Dkt. 17) is **DENIED**;
3. Plaintiff’s Motion for Stay of Enforcement (Dkt. 21) is **DENIED**;
4. Plaintiff’s Motion for Continuance (Dkt. 23) is **DENIED**.

Appendix A-17

DONE AND ORDERED this 18th
day of May, 2018.

“s/” Henry Lee Adams, Jr.
Henry Lee Adams, Jr.
United States District Judge

Appendix A - 18

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JEFFREY LANCE HILL, SR.,
Plaintiff,

v. 3:17-cv-1342-J-25-JRK

LEANDRA G. JOHNSON, ect., et al,
Defendants.

ORDER

THIS CAUSE IS BEFORE THE Court on Defendant Suwannee River Water management District's Motion for Sanctions (Dkt. 20). Upon consideration, it is ORDERED:

The Court will hold a hearing on Defendant Suwannee River Water Management District's Motion for Sanction (Dkt. 20) on Thursday, May 17, 2018 at 10:00 a.m. at the United States District Court, Jacksonville, Florida in Courtroom 10A. Plaintiff must attend the hearing.

DONE AND ORDERED this 11th day of April 2018.

"s/" Henry Lee Adams, Jr.
Henry Lee Adams, Jr.
United States District Judge

Appendix A - 19

UNITED STATES DISTRICT COURT MIDDLE
DISTRICT OF FLORIDA JACKSONVILLE DIVISION

JEFFREY LANCE HILL, SR.,

Plaintiff,

V. Case No. 3:17-cv-1342-J-25 JRK

LEANDRA G. JOHNSON, etc., *et al*,

Defendants.

-----''

ORDER

THIS CAUSE is before the Court *sua sponte* on Plaintiff's Complaint (Dkt.1). 28 U.S.C. § 1915(e) confers upon this Court the discretionary authority to dismiss an action, notwithstanding any filing fee, or any portion thereof, that may have been paid to the court, if the Court is satisfied that 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); *Denton v. Hernandez*, 504 U.S. 25 (1992).

For more than ten years, Plaintiff has filed multiple cases in this court regarding the facts articulated in the instant complaint; there is no need to restate them now. As stated by Judge Corrigan in case number 3:15-cv-1013-J-32, Dkt.14:

Plaintiff has filed several actions in this Court arising out of the same underlying facts and seeking essentially the same relief; that is, to revisit the validity of state court liens, judgments, and litigation beginning in 2006. See, e.g., *Hill v. Suwannee River*

Appendix A - 20

Water Mgmt. Dist., No. 3:12-cv-860-TJC (affirming U.S. Bankruptcy Court's dismissal of Hill's Chapter 12 case, and explaining "Despite appellant's request, this Court has no authority to review the state court decisions which underlie the bankruptcy court's ruling" (Doc. 22 at 2), where Hill identified as issues on appeal from U.S. Bankruptcy Court that "The Bankruptcy Court erred in its refusal to explore the validity of the State Court judgment"; "The State Circuit Court had no jurisdiction ... in Case No: 06-203 CA, therefore judgment is void ab initio"; and "There is a conflict of authority between State Circuit Case No: 06-203 CA and State Circuit Court Case No. 89-22 CA... "(Doc. 7 at 6)), aff'd, No. 14-10609 (11th Cir. Nov. 19, 2014); *Hill v. Suwannee River Water Mgmt. Dist.*, No. 3:15-cv-1475-TJC (identifying in statement of issues, "Since the bankruptcy court's abstinence relies on the validity of the State court's judgments in case # 2006-203 CA, whether the state court and the Suwannee River Water Management District had competent jurisdiction and authority to begin the action." (Doc. 4 at 5)); *Hill v. Suwannee River Water Mgmt. Dist.*, No. 3:15-cv-1445-J-32JRK ("The objective of this action [for declaratory judgment and quiet title] is to obtain an unprejudiced determination of the legal authority of the District to begin legal action against the farm and Hill, also to obtain a legal determination of the validity of the state court's adjudication in case nos. 06-206 CA and 13-666 CA." (Doc. 1 at 1))...

[The Court also dismissed] Appellant's appeal from United States Bankruptcy Court in *Hill v. Suwannee River Water Mgmt. Dist.*, No. 3:15-cv-1475-TJC, and his Petition for Declaratory Judgment and Quiet Title in *Hill v. Suwannee River Water Mgmt.*

Appendix A - 21

Dist., No. 3:15-cv-1445-J-32JRK.

On January 22, 2016, Hill removed a case to this Court from Florida state court that appears to seek relief based in part on the facts underlying his other cases. See *Hill et al. v. Suwannee River Water Mgmt. Dist.*, No. 3:16-cv-169-J-39MCR. The Court today has remanded that case to state court.

Of note, in this same Order, Judge Corrigan stated, "there is no basis for...any further cases arising from these facts. Thus, the Court will strongly consider awarding sanctions if Plaintiff continues to file such pleadings." Instead of heeding this admonition, Plaintiff filed the instant case in this Court. As has been detailed in prior orders entered in Plaintiff's related cases, Plaintiff's Complaint fails to state any claim upon which relief can be granted in this Court.

Notwithstanding that the Court must hold *pro se* Plaintiffs to a less stringent standard than that of lawyers, the Court finds that Plaintiff's complaint is due to be dismissed. *Neitzke v. Williams*, 490 U.S. 325 (1989). Accordingly, it is **ORDERED**: Plaintiff's Complaint (Dkt.1) is **DISMISSED with prejudice** and the clerk is directed to close the case.

DONE AND ORDERED this 4th day of January 2018.

"s/" Henry Lee Adams, Jr.

Henry Lee Adams, Jr.

United States District Judge