

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:21-cv-21630-JLK

BEVERLY A. JENKINS,

Plaintiff,

v.

THE GEOGROUP, INC.

Defendant.

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

THIS CAUSE is before the Court on Defendants¹ Motion to Dismiss (DE 20) (the "Motion"), filed June 17, 2021. The Court has also carefully considered Plaintiff's Response (DE 22), filed on June 22, 2021, and pertinent parts of the record.

I. BACKGROUND

The background of the litigation between these parties began long before the instant case. In 2013, Plaintiff first filed a complaint against Defendants in state court that was dismissed with prejudice in 2015. Mot. at 2. In 2019, Plaintiff filed a new lawsuit in state court that was "essentially duplicative of her 2013 lawsuit," and it was dismissed based on *res judicata*. *Id.* The Florida court issued sanctions against Plaintiff due to her excessive filings. *Id.* In November 2020, Plaintiff filed a third lawsuit, this time in federal court, and it was dismissed for failure to state a

¹ Defendant Wellpath Recovery Solutions, LLC was incorrectly named and was never served in this lawsuit, yet joins in this Motion. See Mot. at 1.

claim. *Id* at 3, citing *Jenkins v. The GEO Group, Inc.*, No. 1:20-cv-24608, 2021 WL 2269824 (S.D. Fla. Mar. 24, 2021).

As for this case, Plaintiff filed her Complaint *pro se* in this Court on April 27, 2021. DE 1. Plaintiff filed an Amended Verified Complaint (DE 3) on May 3, 2021. Without leave of Court, Plaintiff filed a second Amended Verified Complaint (DE 7) on May 6, 2021, and then a third Amended Verified Complaint (DE 11) ("Am. Compl.") on May 17, 2021. Plaintiff alleges "Defendant illegally abridged the [P]laintiff's life, liberty, property, without equal protections of the [I]aw and without [d]ue [p]rocess of the [I]aw. . ." under the Fifth Amendment and Fourteenth Amendment. Am. Compl. at 2-3. This includes the Defendant "making false statements [] in the employee record book" and "retaliatory personnel action." Am. Compl. at 3. Generally, it appears Plaintiff is suing her former employer over a verbal and physical altercation with a patient, that the reporting of the incident included false statements, and for wrongful termination. *See generally* Am. Compl. Plaintiff seeks a judgment of \$80 million or a settlement of \$10 million. *See* Am. Compl. at 12. Defendants move to dismiss the case. *See* Mot.

II. LEGAL STANDARD

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). To meet this "plausibility" standard, a plaintiff must plead "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678. A complaint must contain "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Twombly*, 550 U.S. at 555.

III. DISCUSSION

Defendants move to dismiss for failure to state a claim. *See* Mot. Defendant describes the Amended Complaint as a "rambling mess." Mot. at 5. The Amended Complaint is a "disorganized narrative relating to her discharge by Wellpath in 2013" and "it [is] not clear how it relates to any legal claims." *Id.*

Defendants also move to dismiss based on lack of jurisdiction. Defendants argue that, despite Plaintiff mentioning the Fifth Amendment or Fourteenth Amendment, there is no federal question jurisdiction in the instant case because those amendments only apply to government actions. *Id.* at 6. Plaintiff does not allege government action occurred, and Defendants submit that they are not government entities. *Id.* Moreover, Defendants argue there is not diversity of citizenship, nor does Plaintiff allege such diversity. *Id.*

In her response, Plaintiff states her Amended Complaint "meets the legal requirements of the Rules of Civil Procedure." Resp. at 4. Plaintiff does not address the jurisdictional concerns raised by Defendants. *See generally* Resp. Plaintiff merely states that there is federal question jurisdiction because Defendants violated her Fifth Amendment and Fourteenth Amendment rights. Resp. at 3.

Even construing Plaintiff's *pro se* pleadings liberally, the Court agrees with Defendants. Upon careful review of the Amended Complaint and pleadings, the Court concludes that Plaintiff does not state a claim for relief and does not properly allege jurisdiction. Even if the Amended Complaint did properly alleged facts to state a claim and jurisdiction, the case may be barred by the *Rooker-Feldman* doctrine. *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983) ("[A] United States District Court has no authority to review final judgments of a state court in judicial proceedings.").

Ms. Jenkins, Beverly A. vs The Geogroup, Inc, BRANCH "et al"

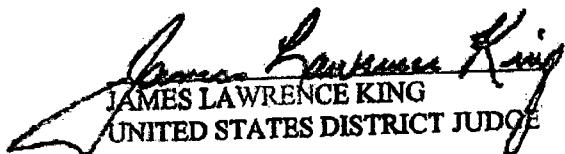
Case 1:21-cv-21630-JLK Document 32 Entered on FLSD Docket 07/16/2021 Page 4 of 4

Accordingly, it is ORDERED, ADJUDGED, and DECREED as follows:

1. Defendants' Motion to Dismiss (DE 20) be, and the same is, hereby GRANTED,
2. Plaintiff's Amended Complaint (DE 11) is DISMISSED WITH PREJUDICE,
3. All pending motions are DENIED AS MOOT, and
4. The Clerk shall CLOSE the case.

DONE AND ORDERED in Chambers at the James Lawrence King Federal Justice

Building and United States Courthouse, Miami, Florida this 16th day of July, 2021.



JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE

cc: All counsel of record
Beverly A. Jenkins, *pro se*

objection filed

[pg. 13 added separately due to miscounted]

SCOTUS No. _____
Ms. Jenkins, Beverly A. vs. The Geogroup, Inc.
Appeal No. 21-12651 Case No. 1:21-cv-21630-JLK

I Object to this informal order "ECF" USCA11 date filed
6/8/22 PAGES 1 -3 OF 3. At the court's directive, this order
was required to be left out of the Appendix for compliance
purposes and is only for Authorized parties to view for
requested Consideration.

[Note: I struggled to meet the Rules compliance with the text
restrictions and with the Available information at this time,
If any new changes or Information continues to arise
hereafter, I claim Constitutional immunity from such unfair
changes shown to be made during my time allowed for me to
respond to meet the rules deadline, when I've utilized all the
text space allowed for a reasonable response; This constitutes
cheating and unfairness. Document numbers were not
originally available when I started this petition]. *Am pro se*

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-12651-CC

BEVERLY A. JENKINS,

Plaintiff - Appellant,

versus

THE GEOGROUP, INC.,
doing business as
WellPath Recovery Solutions, LLC,
also known as
Geocare, LLC.,

Case No. 1:21-cv-21630-JLK

Defendant - Appellee.

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

Before: BRANCH, LUCK, and LAGOA, Circuit Judges.

BY THE COURT:

Appellant's timely Objections to the "Illegality" of the order, construed as a motion for reconsideration of this Court's May 19, 2022, order is DENIED.

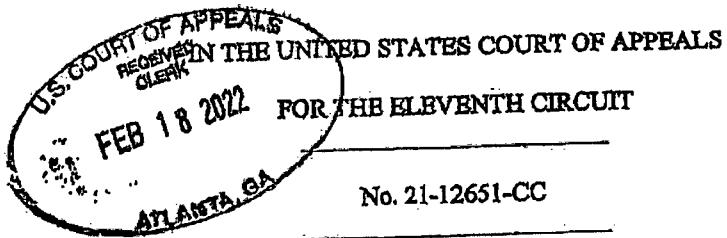
Appellant's "Expedited Motion to Modify (Amend for Correction) the Judgement" is DENIED.

Appellant's Amended "Expedited Motion" to Modify (Amend for Correction) the Judgment is DENIED. *pr se - objection*

Ms. Jenkins, Beverly A. vs. The Geogroup, Inc, Branch "et al"

USCA11 Case: 21-12651 Date Filed: 02/18/2022 Page: 10 of 12

USCA11 Case: 21-12651 Date Filed: 02/09/2022 Page: 1 of 2



SCOTUS APPEAL NO:

BEVERLY A. JENKINS,

Plaintiff - Appellant,

versus

THE GEOGROUP, INC.,
doing business as
WellPath Recovery Solutions, LLC,
also known as
Geocare, LLC.,

Defendant - Appellee.

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

ORDER:

Before the Court are Appellant's: (1) "Motion for Sanctions for failure to submit a CIP or complete the web-based CIP particularly, in accordance to the instructions;" (2) "Motion requesting clerk of court to make corrections;" (3) "Motion for Reverse and Remand Relief;" (4) "Motion for leave of court to Amend; particularly, The Certificate of Compliance to all applicable Papers in the record;" and (5) "Motion for Clarification for the Clerk."

To the extent Appellant seeks leave to file the amended Certificate of Interested Persons attached to her January 6, 2022 "Motion for Clarification for the Clerk," the request is

GRANTED.

Ms. Jenkins, Beverly A. vs. The Geogroup, Inc, Branch "et al" —

USCA11 Case: 21-12651 Date Filed: 02/18/2022 Page: 11 of 12

USCA11 Case: 21-12651 Date Filed: 02/09/2022 Page: 2 of 2

The remaining requests in the motions are DENIED.

/s/ Charles R. Wilson
UNITED STATES CIRCUIT JUDGE

SCOTUS APPEAL NO: _____

Obitut *f* - pro se

Ms. Jenkins, Beverly A. vs The Geogroup, Inc., BRANCH "et al"
USCA11 Case: 21-12651 Date Filed: 07/25/2022 Page: 1 of 2

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-12651

BEVERLY A. JENKINS,

Plaintiff-Appellant,

versus

THE GEOGROUP, INC.,
doing business as
WellPath Recovery Solutions, LLC,
also known as
Geocare, LLC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:21-cv-21630-JLK

1 of 12 *Opposition to Appeal*

SCOTUS APPEAL NO: _____

2

21-12651

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: June 8, 2022

For the Court: DAVID J. SMITH, Clerk of Court

2 of 12 *W. Smith*
Q. Pro Se

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