

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 23-12735-H

ABRAHAM KENNEDY JAH EL,

Plaintiff - Appellant,

JOHN CALVIN ABRAHAM,

Plaintiff,

versus

CITY OF PALM BEACH TOWNSHIP,
VICTORIA SUAREZ,
JUDGE HOWARD K. COATES,
GISELLE BIDO,
ROBERT MASTANGELO,
Police Officer, Palm Beach, Palm Beach, FL,
ESMERALDA NEGRON,
Public Defender, West Palm Beach, Palm Beach, FL,
JUDGE ROSEMARIE SCHER,
JOSEPH ABRUZZIO,
GLEN D. KELLEY,
Circuit Judge,
CAREY HAUGHWOUT,
Public Defender, et al.,

Defendants - Appellees.

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

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the Appellant Abraham Kennedy Jah El failed to pay the filing and docketing fees (or file a motion in the district court for relief from the obligation to pay in

advance the full fee) to the district court and failed to comply with the rules on Certificates of Interested Persons and Corporate Disclosure Statements within the time fixed by the rules.

Effective September 14, 2023.

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

FOR THE COURT - BY DIRECTION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 22-80733-CIV-SINGHAL

ABRAHAM K JAH EL, et al.,

Plaintiffs,

v.

CITY OF PALM BEACH TOWNSHIP, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court upon Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) and Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [31]). Courts are permitted to authorize a party to proceed *in forma pauperis* in any suit, or appeal thereof, so long as the party complies with the proscriptions of 28 U.S.C. § 1915(a)(1). Plaintiff has filed Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) and (DE [31]); therefore, the screening provisions of 28 U.S.C. § 1915(e) are applicable.

I. PROCEDURAL HISTORY

Plaintiff filed an Amended Complaint (DE [28]) on May 26, 2023, and a corresponding Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) on May 31, 2023. On June 5, 2023, Plaintiff filed another Amended Complaint (DE [30]) and Application to Proceed in District Court without Prepaying Fees or Costs (DE [31]). As such, Amended Complaint (DE [30]) is the operative complaint and

Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) is denied as moot.

II. LEGAL STANDARD

Pursuant to 28 U.S.C. § 1915(e)(2), courts are permitted to dismiss a suit “any time if the court determines that . . . (B) the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2). Generally, *pro se* complaints are held to a less stringent pleading standard than pleadings drafted by lawyers. See *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998). However, a court may not “serve as de facto counsel for a party, or . . . rewrite an otherwise deficient pleading in order to sustain an action.” *GJR Invs. v. Cty. of Escambia*, 132 F.3d 1359, 1369 (11th Cir. 1998) (citations omitted). Furthermore, *pro se* litigants still must comply with procedural rules. See *Moton v. Cowart*, 631 F.3d 1337, 1340 n.2 (11th Cir. 2011).

To state a claim, a pleading in a civil action must contain “a short and plain statement of the grounds for the court’s jurisdiction . . . [and] show[] that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(1)-(2). Although a plaintiff need not provide “detailed factual allegations,” a plaintiff’s complaint must provide “more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007); see *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that Rule 8(a)(2)’s pleading standard “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation”). Furthermore, vague and conclusory statements are insufficient under the Federal Rules. See *Iqbal*, 556 U.S. at

678–679. “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* (quoting *Twombly*, 550 U.S. at 570).

III. DISCUSSION

Assuming, without deciding, that Plaintiff satisfies the indigency requirement of 28 U.S.C. § 1915, Plaintiff’s Application to Proceed in District Court without Prepaying Fees or Costs (DE [31]) must be denied because the Amended Complaint (DE [30]) fails to state a claim. In the third Amended Complaint (DE [30]), Plaintiff Abraham Kennedy Jah El (“Plaintiff”) identifies himself as the Plaintiff but also indicates there are other plaintiffs in this matter. Plaintiff brought suit against ten Defendants including two detectives, two officers, the Palm Beach Police Department, a Palm Beach Circuit Judge, a state attorney, and the City of Palm Beach. (Compl. (DE [31]) at 1–2). Plaintiff asserts violations of his first, second, fourth, fifth, eighth, ninth, and tenth amendment rights as the basis for federal court jurisdiction by the defendants. For relief, Plaintiff seeks \$250,000.00 for the loss of his liberty during imprisonment, \$12,000.00 for the loss of property in storage, \$7,000.00 for the loss of property in storage, \$50,000.00 for broken nose and scar on his face, and punitive damages. (Compl. (DE [31]) at 3).

As to each defendant, in the Amended Complaint (DE [31]), Plaintiff claims as follows: Detective Giselle Bido (“Detective Bido”) violated his constitutional right to religious freedom by prohibiting him to be on the beach, his right to bear arms by prohibiting him from bearing a sword, his right to be secure against unusual searches and seizures but does not elaborate on the details. (Am. Compl. (DE [31]) at 3). Plaintiff claims he was held on an infamous crime without an indictment from a grand jury but does not specify what crime. *Id.* at 3, 5. Plaintiff alleges he was deprived of liberty without

due process of law, without more. *Id.* at 5. Finally, Plaintiff alleges he was subjected to cruel and unusual punishment when Detective Bido tased him, held him face down on the grass, handcuffed him and kept him in her custody for a day, and denied his request for transport to the judge who signed his warrant. *Id.* He claims he informed Detective Bido of a breach of his right to travel freely by preventing him from making a video of praying by the beach. *Id.* The events, which do not specify a date or location, purportedly left the Plaintiff traumatized and physically scarred from the taser. *Id.*

Next, Plaintiff alleges Detective Robert Mastrangelo ("Detective Mastrangelo") violated his constitutional rights by holding him on an infamous crime without an indictment from a grand jury, depriving him of liberty without due process of law, and inflicting cruel and unusual punishment by attempting to detain him for a non-moving traffic violation. (Am. Compl. (DE [31]) at 6). Plaintiff claims Detective Mastrangelo broke his nose and attempted to conceal the fact in the police report, EMS report, and hospital record. *Id.*

Plaintiff also names a Circuit Judge as a defendant in this matter claiming he was forced to give evidence against himself at trial in the form of his fingerprints. Am. Compl. (DE [31]) at 8). Plaintiff, again lists many constitutional rights, including the right to a speedy trial because he was arrested on July 4, 2021, and trial commenced July 18, 2022. *Id.* Again, Plaintiff claims defendants conspired to deprive him of constitutional rights, and alleges the jury was bribed to convict him with a certified certificate of participation. *Id.*

In naming the two officers of the Palm Beach Police Department and the Palm Beach Police Department itself, Plaintiff claims his constitutional rights were violated

because the officers' bodycams were not produced at trial, because they took him to the Palm Beach Police Department and not county jail as he requested, and because his rights were violated. Additionally, Plaintiff alleges Victoria Suarez committed fraud by failing to produce the victim to his crime at trial. This Court cannot find any allegations against the City of Palm Beach.

In sum, Plaintiff alleges the defendants conspired to deprive him of his constitutional rights. Plaintiff fails to assert a basis for the exercise of federal jurisdiction and the Complaint is insufficient to state a claim for relief that is plausible on its face. "Federal courts are obligated to inquire into subject-matter jurisdiction *sua sponte* whenever it may be lacking." *Williams v. Chatman*, 510 F.3d 1290, 1293 (11th Cir. 2007) (internal quotation marks omitted). Even under the relaxed pleading standard afforded *pro se* litigants, Plaintiff's Complaint (DE [1]) fails to include facts or state a claim on which relief may be granted. See *Abele v. Tolbert*, 130 Fed. Appx. 342, 343 (11th Cir. 2005) (explaining when a plaintiff is proceeding *pro se*, a court must construe plaintiff's complaint more liberally than if it had been drafted by a lawyer). Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Amended Complaint (DE [30]) is **DISMISSED WITHOUT PREJUDICE**. Furthermore, Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) is **DENIED AS MOOT**. Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [31]) is **DENIED**. The Clerk of Court is directed to **CLOSE** this case and **DENY AS MOOT** any pending motions. Furthermore, all deadlines are **TERMINATED**, and all hearings are **CANCELLED**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 30th day of June 2023.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF
And by U.S. Mail to Plaintiff(s)

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