

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 24-10634-C

DEANDRE ARNOLD,

Plaintiff - Appellant,

versus

HILLSBOROUGH COUNTY SHERIFF,
DEPUTY ADRIEL GONZALES,
DEPUTY BAEZ,
CORPORAL GARRY GORDON,
SERGEANT CUMMINGS, et al.,

Defendants - Appellees.

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

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Deandre Arnold has failed to pay the filing and docketing fees to the district court within the time fixed by the rules.

Effective August 27, 2024.

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

FOR THE COURT - BY DIRECTION

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**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:24-cv-00235-TPB-J_S**

Arnold v. Chronister et al
Assigned to: Judge Thomas P. Barber
Referred to: Magistrate Judge Julie S. Sneed MJ
Demand: \$1,000,000
Case in other court: Eleventh Circuit, 24-10634-C
Cause: 42:1983 Civil Rights Act

Date Filed: 01/24/2024
Date Terminated: 01/29/2024
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Deandre Arnold

represented by **Deandre Arnold**
5420 Riverdale Rd.
Apt. D15
Atlanta, GA 30349
470-514-3097
PRO SE

V.

Defendant

Sheriff Chad Chronister

Defendant

Deputy Adriel Gonzales

Defendant

Deputy Baez

Defendant

Corporal Garry Gordon

Defendant

Sergeant Cummings

Defendant

John and Jane Does
*Hillsborough County Sherriff's Office legal
department*

Defendant

John and Jane Does 1-10

Date Filed	#	Docket Text
01/24/2024	<u>1</u>	COMPLAINT against Baez, Chad Chronister, Cummings, John and Jane Does, John and Jane Does 1-10, Adriel Gonzales, Garry Gordon with Jury Demand filed by Deandre Arnold. (Attachments: # <u>1</u> Exhibit A) (e-portal)(JNB) (Entered: 01/25/2024)
01/24/2024	<u>2</u>	MOTION to Proceed In Forma Pauperis / Affidavit of Indigency by Deandre Arnold. (JNB) Motions referred to Magistrate Judge Julie S. Sneed. (e-portal) (Entered: 01/25/2024)
01/26/2024	<u>3</u>	EMERGENCY MOTION to Appoint Counsel by Deandre Arnold. (JNB) Motions referred to Magistrate Judge Julie S. Sneed. (e-portal) (Entered: 01/26/2024)
01/26/2024	<u>4</u>	MEMORANDUM in support re <u>3</u> Motion to Appoint Counsel filed by Deandre Arnold. (e-portal) (JNB) (Entered: 01/26/2024)
01/26/2024	<u>5</u>	NOTICE of Errata by Deandre Arnold re <u>1</u> Complaint (Attachments: # <u>1</u> Exhibit A to Complaint) (e-portal) (JNB) (Entered: 01/26/2024)
01/29/2024	<u>6</u>	ENDORSED ORDER: On January 24, 2024, Plaintiff Deandre Arnold filed a civil lawsuit against Sheriff Chad Chronister and numerous officers alleging two claims for relief under 28 U.S.C. 1983 and a state law claim for intentional infliction of emotional distress. He also seeks declaratory relief and referral to the Federal Bureau of Investigation for alleged crimes committed against him by the officers. The basis of Plaintiff's complaint is the decision of the Sheriff's Office and individual officers to not accept a criminal complaint that Plaintiff wished to file against the mother of his child for alleged custodial interference and child concealment. Plaintiff does not have standing to pursue his claims because he cannot demonstrate the causation and redressability elements of standing. See, e.g., <i>Linda R.S. v. Richard D.</i>, 410 U.S. 614, 615-16; 618-20 (1973); <i>Waters v. City of Geneva</i>, 47 F. Supp. 3d 1324, 1334-34 (M.D. Ala. 2014). In short, Plaintiff does not and cannot identify any redressable injury on these facts, and any alleged injuries suffered are not fairly traceable to the alleged failure to accept the criminal complaint for filing. Even if the Court could do so, it declines to refer this case for criminal prosecution with the FBI. And the Court declines to exercise supplemental jurisdiction over any state law claims. Consequently, this case is dismissed. Because amendment would be futile, the Court declines to grant leave to amend. The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case. Signed by Judge Thomas P. Barber on 1/29/2024. (ANL) (Entered: 01/29/2024)
01/30/2024	<u>7</u>	EMERGENCY MOTION to Disqualify Judge by Deandre Arnold. (Attachments: # <u>1</u> Memorandum)(AA) (e-portal) (Entered: 01/30/2024)
01/30/2024	<u>8</u>	MEMORANDUM in support re <u>7</u> Motion to Disqualify Judge / Juror filed by Deandre Arnold. (AA)(e-portal) (Entered: 01/30/2024)
01/30/2024	<u>9</u>	ENDORSED ORDER: Plaintiff Deandre Arnold's motion to disqualify (Docs. <u>7</u>; <u>8</u>) is denied. The Court addresses the motion under 28 U.S.C. § 455. Plaintiff complains about adverse rulings against him in this case and another case, both of which were randomly assigned pursuant to the administrative policies of the Clerk's Office. "[A]dverse rulings alone do not provide a party with a basis for holding that the court's impartiality is in doubt." <i>United States v. Singletary</i>, 196 F.

		App'x 819, 820 (11th Cir. 2006) (quoting <i>Byrne v. Nezhat</i>, 261 F.3d 1075, 1103 (11th Cir. 2001)). Plaintiff does not provide any evidence besides these adverse rulings that the undersigned has any personal bias against him, nor has he shown how any alleged personal bias has impacted any rulings. In addition, Plaintiff's claims that the undersigned is involved in a conspiracy against Plaintiff to "assassinate" him and to obstruct justice, among other things, are frivolous and completely without merit. The motion is denied. This case remains closed. Signed by Judge Thomas P. Barber on 1/30/2024. (ANL) (Entered: 01/30/2024)
02/01/2024	<u>10</u>	NOTICE of Non-Transcripts (for appeal) by Deandre Arnold. (JNB) (e-portal) (Entered: 02/02/2024)
02/29/2024	<u>11</u>	NOTICE OF APPEAL as to 6 Order Dismissing Case by Deandre Arnold. Filing fee not paid. (AA) (e-portal) (Entered: 02/29/2024)
02/29/2024	<u>12</u>	TRANSMITTAL of initial appeal package to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re <u>11</u> Notice of Appeal. (AA) (Entered: 02/29/2024)
02/29/2024	<u>13</u>	NOTICE of Errata by Deandre Arnold. (AA) (e-portal) (Entered: 02/29/2024)
03/14/2024	<u>14</u>	MOTION to Appeal In Forma Pauperis / Affidavit of Indigency by Deandre Arnold. (AG) (e-portal) (Note: Document was not printed to pdf when submitted thru e-portal.) (Entered: 03/15/2024)
03/15/2024	<u>15</u>	NOTICE of errata by Deandre Arnold re <u>14</u> MOTION to Appeal In Forma Pauperis / Affidavit of Indigency. (AG) (e-portal) (Entered: 03/15/2024)
03/15/2024	<u>16</u>	EMERGENCY MOTION to seal pauperis filings and Notice of Objection of filing by Deandre Arnold. (AG) (e-portal) (Entered: 03/15/2024)
03/15/2024	<u>17</u>	ENDORSED ORDER: Plaintiff's "Emergency Motion to Seal Paupers Filings and Notice of Objection of Filing" (Doc. <u>16</u>) is denied. There is a public right of access in civil actions, and sealing is not authorized merely because a filing contains "personal" or "private" information. Local Rule 1.11(a). Plaintiff has failed to present <i>compelling</i> justification to seal the motion to proceed without costs or "all papers in this case" that outweighs the public interest in open proceedings. Signed by Judge Thomas P. Barber on 3/15/2024. (ANL) (Entered: 03/15/2024)
03/15/2024	<u>18</u>	ORDER: Plaintiff's <i>pro se</i> construed motion to proceed on appeal without costs (Doc. <u>14</u>) is denied. See Order for details. Signed by Judge Thomas P. Barber on 3/15/2024. (ANL) (Entered: 03/15/2024)
04/15/2024		Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Middle District of Florida certifies that the record is complete for the purposes of this appeal re: <u>11</u> Notice of Appeal. All documents are imaged and available for the USCA to retrieve electronically. USCA number: 24-10634-C. (LNR) (Entered: 04/15/2024)
07/17/2024	<u>19</u>	ORDER of USCA: Because Mr. Arnold has no non-frivolous issues on appeal, his motion for IFP is DENIED, as his assertion in support of the motion are meritless and do not establish good cause, as he has not established how he is differently situated than any other petitioner who believes in the merits of his appeal as to <u>11</u> Notice of Appeal filed by Deandre Arnold. EOD: 7/17/2024; USCA number: 24-10634-C. (SET) (Entered: 07/17/2024)

08/27/2024	<u>20</u>	ORDER of USCA: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Deandre Arnold has failed to pay the filing and docketing fees to the district court within the time fixed by the rules as to <u>11</u> Notice of Appeal filed by Deandre Arnold. EOD: 8/27/2024; Issued as mandate. USCA number: 24-10634-C. (SET) (Entered: 08/27/2024)
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PACER Service Center			
Transaction Receipt			
10/22/2024 11:07:23			
PACER Login:	scotus2023	Client Code:	
Description:	Docket Report	Search Criteria:	8:24-cv-00235-TPB-J_S
Billable Pages:	3	Cost:	0.30
Exempt flag:	Exempt	Exempt reason:	Always

APPENDIX A

ENDORSED ORDER: On January 24, 2024, Plaintiff Deandre Arnold filed a civil lawsuit against Sheriff Chad Chronister and numerous officers alleging two claims for relief under 28 U.S.C. 1983 and a state law claim for intentional infliction of emotional distress. He also seeks declaratory relief and referral to the Federal Bureau of Investigation for alleged crimes committed against him by the officers. The basis of Plaintiff's complaint is the decision of the Sheriff's Office and individual officers to not accept a criminal complaint that Plaintiff wished to file against the mother of his child for alleged custodial interference and child concealment. Plaintiff does not have standing to pursue his claims because he cannot demonstrate the causation and redressability elements of standing. *See, e.g., Linda R.S. v. Richard D.*, 410 U.S. 614, 615-16; 618-20 (1973); *Waters v. City of Geneva*, 47 F. Supp. 3d 1324, 1334-34 (M.D. Ala. 2014). In short, Plaintiff does not and cannot identify any redressable injury on these facts, and any alleged injuries suffered are not fairly traceable to the alleged failure to accept the criminal complaint for filing. Even if the Court could do so, it declines to refer this case for criminal prosecution with the FBI. And the Court declines to exercise supplemental jurisdiction over any state law claims. Consequently, this case is dismissed. Because amendment would be futile, the Court declines to grant leave to amend. The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case. Signed by Judge Thomas P. Barber on 1/29/2024. (ANL) (Entered: 01/29/2024)

APPENDIX B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DEANDRE ARNOLD,

Plaintiff,

v.

Case No. 8:24-cv-235-TPB-JSS

SHERIFF CHAD CHRONISTER, et al.,

Defendant.

**ORDER DENYING PLAINTIFF'S CONSTRUED MOTION
TO PROCEED ON APPEAL WITHOUT COSTS**

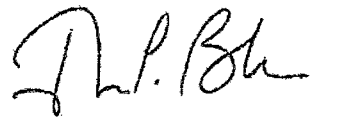
This matter is before the Court on Plaintiff Deandre Arnold's *pro se* construed motion to proceed on appeal without costs. (Doc. 14). On March 15, 2024, he filed his "Notice of Errata to Application to Proceed Without Prepaying Fees or Costs," containing additional financial information. (Doc. 15).

Under certain circumstances, a party may proceed *in forma pauperis* in federal court pursuant to 28 U.S.C. § 1915, which authorizes any court of the United States to allow indigent persons to prosecute, defend, or appeal suits without prepayment of costs. *See, e.g.*, 28 U.S.C. § 1915; *Coppedge v. United States*, 369 U.S. 438, 441 (1962). However, a party may not proceed on appeal *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3). Good faith requires that the appeal present a nonfrivolous question for review. *Cruz v. Hauck*, 404 U.S. 59, 62 (1971). If the plaintiff has little or no chance of success, an appeal is frivolous. *Carroll v. Gross*, 984 F.2d 392, 393

(11th Cir. 1993). An appeal is also frivolous when it is “without arguable merit either in law or fact.” *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

Plaintiff’s construed motion to appeal without costs fails to establish the existence of a reasoned, nonfrivolous argument raised on appeal. In fact, the motion does not present *any* issues that Plaintiff intends to present on appeal as required by Fed. R. App. P. 24(a)(1)(C). The construed motion to proceed without costs on appeal (Docs. 14; 15) is therefore denied.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 15th of March, 2024.

A handwritten signature in black ink, appearing to read 'T. P. Barber', is written above a horizontal line.

TOM BARBER
UNITED STATES DISTRICT JUDGE

APPENDIX C

**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

For rules and forms visit
www.ca11.uscourts.gov

July 17, 2024

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 24-10634-C

Case Style: Deandre Arnold v. Hillsborough County Sheriff, et al

District Court Docket No: 8:24-cv-00235-TPB-JSS

The enclosed order has been ENTERED.

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of fourteen (14) days from this date, this appeal will be dismissed by the clerk without further notice unless you pay to the DISTRICT COURT clerk the docketing and filing fees, with notice to this office.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

MOT-2 Notice of Court Action

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10634

DEANDRE ARNOLD,

Plaintiff-Appellant,

versus

HILLSBOROUGH COUNTY SHERIFF,
DEPUTY ADRIEL GONZALES,
DEPUTY BAEZ,
CORPORAL GARRY GORDON,
SERGEANT CUMMINGS, et al.,

Defendants-Appellees.

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

D.C. Docket No. 8:24-cv-00235-TPB-JSS

ORDER:

Deandre Arnold filed a *pro se* 28 U.S.C. § 1983 complaint against various individuals employed by the Hillsborough County Sheriff's Office ("HCSO"). Mr. Arnold alleged that the defendants refused to accept his criminal complaint against the mother of his child, for custodial interference and child concealment, based on their policy of "refusing to accept criminal complaints or police reports for custodial interference and child concealment if the custody orders are not Florida state court orders." He repeatedly asserted that this policy was a contributing factor to his injuries, although he did not explain how he was injured.

The district court dismissed Mr. Arnold's complaint, finding that he lacked standing to pursue his claims because he failed to allege any redressable injury, and, regardless, any injury was not fairly traceable to the defendants' purported failure to accept his criminal complaints. The court also noted that amendment of the complaint would be futile.

Mr. Arnold appealed, and now moves this Court for leave to proceed *in forma pauperis* ("IFP") and to expedite the proceedings. Because Mr. Arnold seeks leave to proceed IFP, his appeal is subject to a frivolity determination. See 28 U.S.C. § 1915(e)(2)(B). An action "is frivolous if it is without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

24-10634

Order of the Court

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Here, the district court correctly dismissed Mr. Arnold's complaint, as he failed to allege what injuries he had suffered due to the defendants' failure to accept his criminal complaint. See *Lewis v. Governor of Ala.*, 944 F.3d 1287, 1296 (11th Cir. 2019) (*en banc*) (stating that, to establish Article III standing, a plaintiff must allege an injury-in-fact, traceability, and redressability). Moreover, because the dismissal constitutes one without prejudice, Mr. Arnold could simply refile it, should he amend the complaint to satisfy the pleading requirements. See *Stalley ex rel. U.S. v. Orlando Reg'l Healthcare Sys., Inc.*, 524 F.3d 1229, 1231 (11th Cir. 2008) (explaining that a dismissal for lack of standing is a dismissal without prejudice).

Because Mr. Arnold has no non-frivolous issues on appeal, his motion for IFP is DENIED. His motion to expedite his appeal is also DENIED, as his assertions in support of the motion are meritless and do not establish good cause, as he has not established how he is differently situated than any other petitioner who believes in the merits of his appeal.



UNITED STATES CIRCUIT JUDGE

APPENDIX D

**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

For rules and forms visit
www.ca11.uscourts.gov

August 19, 2024

Deandre Arnold
7757 RUTGERS CIR
FAIRBURN, GA 30213

Appeal Number: 24-10634-C
Case Style: Deandre Arnold v. Hillsborough County Sheriff, et al
District Court Docket No: 8:24-cv-00235-TPB-JSS

The enclosed order has been ENTERED.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

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MOT-2 Notice of Court Action

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10634

DEANDRE ARNOLD,

Plaintiff-Appellant,

versus

HILLSBOROUGH COUNTY SHERIFF,
DEPUTY ADRIEL GONZALES,
DEPUTY BAEZ,
CORPORAL GARRY GORDON,
SERGEANT CUMMINGS, et al.,

Defendants-Appellees.

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

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Order of the Court

24-10634

D.C. Docket No. 8:24-cv-00235-TPB-JSS

ORDER:

Appellant's "Motion to Disqualify Circuit Judge Jill Pryor" is
DENIED.

Appellant's "Motion for Extension of Time to Pay Filing Fee
and File Notice of Payment of Filing Fee" is DENIED AS MOOT.

/s/ Jill Pryor

UNITED STATES CIRCUIT JUDGE

TENTH COPY OF FILINGS