

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 24-11420-G

DEANDRE ARNOLD,

Plaintiff - Appellant,

versus

TYARIELLE PATTERSON,

Defendant - Appellee.

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 September 30, 2024.

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

FOR THE COURT - BY DIRECTION

APPENDIX A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DEANDRE ARNOLD

Plaintiff,

v.

Case No. 8:24-cv-1054-TPB-AEP

TYARIELLE PATTERSON,

Defendant.

ORDER DISMISSING CASE

This matter is before the Court *sua sponte* on the complaint, filed *pro se* on May 1, 2024. (Doc. 1). After reviewing the complaint, court file, and the record, the Court finds as follows:

Plaintiff Deandre Arnold filed this suit against the mother of his child. The complaint is lengthy and rambling, but it appears that the instant lawsuit is related to an ongoing custody dispute.¹ According to Plaintiff, Defendant has committed “39 counts of extortion” by maliciously threatening injury to Plaintiff by illicitly retaining possession of their minor child in violation of their custody order until either 1) Plaintiff accepts summons of a contempt action filed by Defendant in the state of Georgia or 2) Plaintiff files a family court action against her. Plaintiff claims that Defendant was previously warned that withholding custody is not authorized and found her in contempt for 25 days of custodial interference. Plaintiff asserts that Defendant’s “extortionate interference” is

¹ The instant case appears to be related to at least two state court custody cases – a case in the Sixth Judicial Circuit in and for Pinellas County, Florida (16-011424-FD) and a case in the Superior Court in and for Henry County, Georgia (SUCV 2021-0700).

contrary to their current child custody order and in “complete disregard” to the Georgia court’s prior warnings and contempt rulings. Plaintiff brings a claim for intentional infliction of emotional distress.

The Court previously dismissed a substantially similar case filed by Plaintiff, finding that (1) to the extent he was seeking review of state court proceedings, the action was barred by the *Rooker-Feldman* doctrine; (2) to the extent Plaintiff asked the Court to intervene in an ongoing state court proceeding, the Court would decline to do so under the *Younger* abstention doctrine; and perhaps most importantly, (3) the action appeared to fall squarely within the domestic relations exception to federal court jurisdiction. See *Arnold v. Patterson*, No. 8:23-cv-2708-TPB-TGW, 2023 WL 8778501 (M.D. Fla. Dec. 19, 2023), *appeal filed*.

Plaintiff appealed the dismissal of that case, and the appeal remains pending. Rather than await the Eleventh Circuit’s decision, Plaintiff instead elected to file a largely duplicative lawsuit. For the same reasons discussed in the Court’s prior order in Plaintiff’s other case, this case is dismissed for lack of jurisdiction.

The Court notes that it appears the parenting plan remains in effect and is being enforced by the state court, and if Plaintiff believes that Defendant is interfering with or obstructing the plan, he may raise those claims in the state proceedings. If Plaintiff is unhappy with decisions made by the state court judges in the matters involving his child, his remedy is to file an appeal in the state court system. Federal courts do not hear appeals from state court cases. Federal courts do not have the legal authority to review state court decisions in custody matters such as this, including those that involve time-sharing and

allegations of the weaponization of child-support obligations. Federal courts do not generally hear child custody disputes unless there is an allegation that one of the parents has engaged in international child abduction.

Plaintiff is warned that if he continues to file frivolous or *duplicative* cases here or in any other federal court, he will be subject to sanctions pursuant to Federal Rule of Civil Procedure 11(c), including monetary sanctions or an order from this Court directing the Clerk to reject future filings by Plaintiff.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The complaint (Doc. 1) is **DISMISSED**, without leave to amend.
- (2) The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and ORDERED in Chambers, in Tampa, Florida, this 2nd day of May, 2024.

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

TOM BARBER
UNITED STATES DISTRICT JUDGE

APPENDIX B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DEANDRE ARNOLD,

Plaintiff,

v.

Case No. 8:24-cv-1054-TPB-AEP

TYARIELLE PATTERSON,

Defendant.

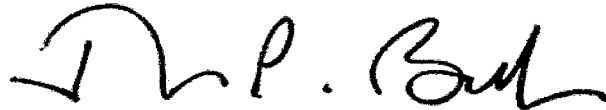
**ORDER DENYING PLAINTIFF'S CONSTRUED MOTION
TO PROCEED ON APPEAL WITHOUT COSTS**

This matter is before the Court on Plaintiff Deandre Arnold's *pro se* construed motion to proceed on appeal without costs. (Doc. 7).

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 motion to proceed without costs on appeal (Doc. 7) is denied.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 24th of May, 2024.

A handwritten signature in black ink, appearing to read 'T. P. Barber', is written over 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 24, 2024

Deandre Arnold
7757 RUTGERS CIR
FAIRBURN, GA 30213

Appeal Number: 24-11420-G
Case Style: Deandre Arnold v. Tyarielle Patterson
District Court Docket No: 8:24-cv-01054-TPB-AEP

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. 24-11420

DEANDRE ARNOLD,

Plaintiff-Appellant,

versus

TYARIELLE PATTERSON,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cv-01054-TPB-AEP

ORDER:

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Order of the Court

24-11420

Deandre Arnold's motion for leave to proceed *in forma pauperis* on appeal is DENIED as the appeal is frivolous. See *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

/s/ Robert J. Luck

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
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September 03, 2024

Deandre Arnold
7757 RUTGERS CIR
FAIRBURN, GA 30213

Appeal Number: 24-11420-G
Case Style: Deandre Arnold v. Tyarielle Patterson
District Court Docket No: 8:24-cv-01054-TPB-AEP

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Order of the Court

24-11420

ORDER:

Appellant's "Emergency Motion to Disqualify Circuit Judge
Robert Luck" is DENIED.

/s/ Robert J. Luck
UNITED STATES CIRCUIT JUDGE