

UNITED STATES SUPREME COURT

BRADLEY DORMAN,
Petitioner,

vs.

SEC' Y Fla. DOG et. al.,
Respondents.

APPENDIX TO PETITION

APPENDIX A U.S. District Court Southern District of Florida
Order for Case Number 24-CV-14155-AMC
July 9, 2024

APPENDIX B 11th Circuit Court of Appeals
Order Case Number 24-1224-D July 30, 2024

/S/ BRADLEY DORMAN

Bradley Dorman
DC# F-11590
Martin Correctional Institution
1150 S.W. Allapattah Road
Indiantown, Florida 34956-4301

Rec. 7/17/2024

U.S. District Court - Southern District of Florida

Bradley Dorman F11590
Martin Correctional Institution
Inmate Mail/Parcels
1150 SW Allapattah Road
Indiantown, FL 34956

Case: 2:24-cv-14155-AMC #6

6 pages

07/09/2024

IMPORTANT: REDACTION REQUIREMENTS AND PRIVACY POLICY

Note: This is NOT a request for information.

Do NOT include personal identifiers in documents filed with the Court, unless specifically permitted by the rules or Court Order. If you MUST include personal identifiers, ONLY include the limited information noted below:

- Social Security number: last four digits only
- Taxpayer ID number: last four digits only
- Financial Account Numbers: last four digits only
- Date of Birth: year only
- Minor's name: initials only
- Home Address: city and state only (for criminal cases only).

Attorneys and parties are responsible for redacting (removing) personal identifiers from filings. The Clerk's Office does not check filings for personal information. Any personal information included in filings will be accessible to the public over the internet via PACER.

For additional information, refer to Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1. Also see the CM/ECF Administrative Procedures located on the Court's website, www.flsd.uscourts.gov.

IMPORTANT: REQUIREMENT TO MAINTAIN CURRENT MAILING ADDRESS AND CONTACT INFORMATION

Pursuant to Administrative Order 2005-38, parties appearing pro se and counsel appearing pro hac vice must file, in each pending case, a notice of change of mailing address or contact information whenever such a change occurs. If court notices sent via the U.S. mail are returned as undeliverable TWICE in a case, notices will no longer be sent to that party until a current mailing address is provided.

IMPORTANT: ADDITIONAL TIME TO RESPOND FOR NON-ELECTRONIC SERVICE

Additional days to respond may be available to parties serviced by non-electronic means. See Fed.R.Civ.P.6(d), Fed.R.Crim.P.45(c) and Local Rule 7.1(c)(1)(A). Parties are advised that the response deadlines automatically calculated in CMECF do NOT account for and may NOT be accurate when service is by mail. Parties may NOT rely on response times calculated in CMECF, which are only a general guide, and must calculate response deadlines themselves.

See reverse side

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

CASE NO. 24-14155-CIV-CANNON/Matthewman

BRADLEY DORMAN,

Plaintiff,

v.

FLORIDA DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

ORDER DISMISSING COMPLAINT AND CLOSING CASE

THIS CAUSE comes before the Court upon the *pro se* Civil Rights Complaint (“Complaint”), brought pursuant to 42 U.S.C. § 1983, by Bradley Dorman (“Plaintiff”), alleging constitutional violations arising while confined at the Martin Correctional Institution (“Martin CI”) [ECF No. 1]. Because Plaintiff qualifies as a “three-striker” under the provisions of the Prison Litigation Reform Act (“PLRA”) as partially codified at 28 U.S.C. § 1915(g)—and because he did not pay the Clerk’s filing fee at the time of filing this lawsuit or show that he meets the “imminent danger exception to the three-strikes bar in § 1915(g)—Plaintiff’s Complaint is **DISMISSED WITHOUT PREJUDICE**.

* * *

“To commence a civil lawsuit in federal district court, the general rule is that initiating parties must prepay a filing fee.” *Rivera v. Allin*, 144 F.3d 719, 722 (11th Cir. 1998) (citing 28 U.S.C. § 1914(a)), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007). A person that is “unable to pay such fees or give security therefor” can avoid prepaying the filing fee by filing a motion to proceed in forma pauperis. 28 U.S.C. § 1915(a). However, the PLRA includes

a provision commonly referred to as the “three strikes provision.” 28 U.S.C. § 1915(g). That provision provides as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Id. The three strikes provision does not violate an inmate’s First Amendment right of access to the courts, the doctrine of separation of judicial and legislative powers, the Fifth Amendment’s right to due process of law, or an inmate’s right to equal protection. *See Rivera*, 144 F.3d at 727–28. A three-striker cannot, as a retroactive cure, pay the filing fee after initiating suit. *See Dupree v. Palmer*, 284 F.3d 1234, 1236 (11th Cir. 2002).

A search of the United States Court’s Public Access to Court Electronic Records System (“PACER”) reveals that Plaintiff qualifies as a “three-striker” under § 1915(g) because (1) he has brought more than three civil actions while incarcerated, and (2) each suit qualifies as a “strike”¹ given the Court’s findings in those cases that the allegations were frivolous, malicious, or failed to state a claim upon which relief could be granted. *See Dorman v. City of Coral Springs*, No.9:19-cv-81464-DMM (S.D. Fla. Nov. 15, 2019) (dismissed as frivolous pursuant to § 1915(e)); *Dorman v. Inch*, No. 0:19-62856-PCH (S.D. Fla. Jan. 28, 2020) (dismissed as frivolous pursuant to § 1915(e)); *Dorman v. Chaplin’s Ofc.*, No. 0:19-cv-60339-RNS (S.D. Fla. Feb. 14, 2020) (dismissed as frivolous pursuant to § 1915(e)); *Dorman v. Officers John Doe*, No. 20-10768-B (11th Cir. Jan. 2021) (dismissing appeal of Case No. 0:19-cv-60339-RNS as frivolous); *Dorman*

¹ The Supreme Court has made clear that a dismissal of a suit for failure to state a claim qualifies as a “strike,” whether or not the dismissal is with prejudice. *See Lomax v. Ortiz-Marquez*, 140 S.Ct. 1721, 1727 (2020).

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v. Coral Springs Police Dep't, No. 0:19-cv-62735-RAR (S.D. Fla. Dec. 2, 2019) (dismissed as frivolous pursuant to § 1915(e)); and *Dorman v. Palm Beach Cnty, et al.*, No. 9:19-cv-81538-RKA (S.D. Fla. Oct. 13, 2020) (dismissed for failure to state a claim).²

Having determined that Plaintiff has three qualifying “strikes” under § 1915(g), Plaintiff may not proceed *in forma pauperis* unless he can demonstrate that he meets the “imminent danger of serious physical injury” exception to the three strikes rule. 18 U.S.C. § 1915(g). To plead the imminent danger exception, the Eleventh Circuit requires specific allegations of present imminent danger that may result in serious physical harm. *Brown v. Johnson*, 387 F.3d 1344, 1349 (11th Cir. 2004). Construing Plaintiff’s Complaint liberally, *see Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), Plaintiff does not set forth any allegations of imminent danger [ECF No. 1]. Because the “imminent danger” exception does not apply, Plaintiff is subject to the three-strikes rule and, because he failed to pay the filing fee, the Complaint must be dismissed.

For these reasons, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff’s Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.
2. All pending motions are **DENIED AS MOOT**.
3. The Clerk of Court is ordered to **CLOSE** this case.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 13th day of June 2024.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

² Plaintiff claims that he does not have three prior qualifying strikes because *Dorman v. Warden, Martin C.I., et al.*, No. 2:23-cv-14036-KMW (S.D. Fla. Oct. 4, 2023), relied on the *Younger* doctrine as a basis for dismissal [ECF No. 1 at 9–10]. Plaintiff’s filing history confirms that he remains a three-striker independent of that proceeding. The Court, therefore, has not considered that proceeding in issuing this Order.

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cc: **Bradley Dorman, *Pro Se***
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Indiantown, Florida 34956

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 24-12224-D

BRADLEY DORMAN,

Plaintiff - Appellant,

versus

RICKY DIXON,
Secretary of Florida Department of Corrections,
in his individual and official capacities,
J. HOLTZ,
Assistant Warden, Martin Correctional Institution,
in his individual and official capacities,
ROBINSON,
Acting Warden, Martin Correctional Institution,
in his individual and official capacities,

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 Bradley Dorman has failed to pay the filing and docketing fees 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 July 30, 2024.

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

FOR THE COURT - BY DIRECTION