

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12720

Non-Argument Calendar

TAMIKA SEAY,

Plaintiff-Appellant,

versus

LISA JAMES,

ANTRESA LUMPKIN-KNIGHTEN,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:23-cv-05232-LMM

Appendix C

Before JILL PRYOR, NEWSOM, and LAGOA, Circuit Judges.

PER CURIAM:

Tamika Seay appeals from the district court's May 28, 2024, order denying two of her postjudgment motions. In the same order, the district court imposed filing sanctions on Seay, instructing the clerk not to docket any further submissions from her other than a notice of appeal. We issued a jurisdictional question as to whether Seay's August 19, 2024, notice of appeal is timely, and, specifically, whether her June 7, 2024, Fed. R. Civ. P. 60 motion effectively tolled the appeal period.

Although the parties did not respond, we conclude that we lack jurisdiction over this appeal. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010). Because the 30-day period for filing a notice of appeal ended on June 27, 2024, we conclude that Seay's August 19, 2024, notice of appeal is untimely. *See 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A)*. Moreover, if the June 7 filing could be liberally construed as a Fed. R. App. P. 4(a)(4) tolling motion, that would still not render Seay's notice of appeal timely because the district court effectively disposed of that filing on the day that Seay filed it based on the filing restrictions imposed in the May 28 order. We thus conclude that, even if the June 7 filing effectively tolled the appeal period, Seay had until July 8, 2024, to file a notice of appeal. As such, her August 19 notice is also untimely. *See 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A), (a)(4)(A)*.

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Opinion of the Court

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Accordingly, we DISMISS this appeal for lack of jurisdiction.
All pending motions are DENIED AS MOOT.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TAMIKA SEAY,

Plaintiff,	:	CIVIL ACTION NO.
	:	1:22-cv-04922-LMM
v.	:	1:23-cv-01490-LMM
	:	1:23-cv-02979-LMM
Various,	:	1:23-cv-05232-LMM
	:	
Defendants.	:	

ORDER

This matter is presently before the Court on various post-judgment motions filed by Plaintiff. Upon due consideration, the Court enters the following Order.

I. BACKGROUND

Plaintiff Tamika Seay has been a frequent pro se litigant in this Court. She has filed at least 11 actions in this Court since August 2022: Seay v. Vega, No. 1:22-cv-03368-LMM (N.D. Ga. Aug. 22, 2022) (“Seay I”); Seay v. Vega, No. 1:22-cv-03526-LMM (N.D. Ga. Aug. 31, 2022) (“Seay II”); Seay v. Stinson, No. 1:22-cv-03527-LMM (N.D. Ga. Aug. 31, 2022) (“Seay III”); Seay v. Family Ties Inc., No. 1:22-cv-03863-LMM (N.D. Ga. Sept. 26, 2022) (“Seay IV”); Seay v. Stinson, No. 1:22-cv-04114-LMM (N.D. Ga. Oct. 14, 2022) (“Seay V”); Seay v.

Department of Human Services, No. 1:22-cv-04115-LMM (N.D. Ga. Oct. 14, 2022) (“Seay VI”); Seay v. Family Ties Inc., No. 1:22-cv-04921-LMM (N.D. Ga. Dec. 13, 2022) (“Seay VII”); Seay v. United States Department of Justice, No. 1:22-cv-04922-LMM (N.D. Ga. Dec. 13, 2022) (“Seay VIII”); Seay v. The United States, No. 1:23-cv-01490-LMM (N.D. Ga. Apr. 6, 2023) (“Seay IX”); Seay v. Stinson, No. 1:23-cv-02979-LMM (N.D. Ga. July 5, 2023) (“Seay X”); and Seay v. James, No. 1:23-cv-05232-LMM (N.D. Ga. Nov. 14, 2023) (“Seay XI”). In each of the cases, Plaintiff sought the Court’s aid in gaining custody of her grandchild. Seay I, Seay II, Seay III, Seay IV, and Seay VII were dismissed due to Plaintiff’s failure to pay the Court’s filing fee or properly apply for *in forma pauperis* status. Seay IX was remanded for lack of subject-matter jurisdiction and because it was improperly removed to federal court. The rest of the cases were dismissed for lack of subject-matter jurisdiction and insufficient pleading.

II. PENDING MOTIONS

There are 11 motions presently pending before the Court. There are four motions pending in Seay VIII: a motion to alter or amend order, Dkt. No. [42]; two motions for judgment to correct clerical mistake, Dkt. Nos. [43, 44]; and a motion for return of child, Dkt. No. [45]. There are also four motions pending in Seay IX: a motion to alter or amend order, Dkt. No. [30]; two motions for judgment to correct clerical mistake, Dkt. Nos. [31, 32]; and a motion for return of child, Dkt. No. [33]. There is one motion pending in Seay X: a motion for judgment to correct clerical mistake, Dkt. No. [19]. And there are two motions

pending in Seay XI: a motion for judgment to correct clerical mistake, Dkt. No. [10], and a motion for return of child, Dkt. No. [12].

The motions are essentially motions for reconsideration of the Court's Orders dismissing or remanding the cases. The Court has reviewed the motions and sees no reason for reconsidering the earlier Orders. These various motions do not address the Court's reasons for dismissing or remanding Plaintiff's cases, including the Court's lack of subject-matter jurisdiction. As such, Plaintiff's motions are **DENIED**.

III. FILING RESTRICTION

As detailed above, since 2022, Plaintiff has filed at least 11 separate actions in this District. The Court has repeatedly explained to her that it does not have subject-matter jurisdiction to hear a child-custody dispute. Nevertheless, she has not only continued to initiate new cases but has also filed numerous frivolous and repetitive motions for relief after the cases were decided and closed. For instance, in Seay VIII, Plaintiff filed 10 post-judgment motions which were all essentially motions for reconsideration; in Seay IX, she filed 10 similar motions following remand of the matter to state court; in Seay X, she filed seven similar post-judgment motions; and in Seay XI, she filed five. It also bears noting that the Superior Court of Gwinnett County, Georgia, found similar vexatious conduct and accordingly enjoined Plaintiff from making any further filings without prior

written approval. See Seay VIII, Dkt. No. [23-1].¹ In light of this, the Court finds that further action is required to stem Plaintiff's many frivolous filings in this Court.

“Access to the courts is unquestionably a right of considerable constitutional significance,” though it “is neither absolute nor unconditional.” Miller v. Donald, 541 F.3d 1091, 1096 (11th Cir. 2008) (quotation marks omitted). Sometimes, “[c]onditions and restrictions on [a] person’s access are necessary to preserve the judicial resource for all other persons” because “[f]rivolous and vexatious law suits,” like those Plaintiff presses, “threaten the availability of a well-functioning judiciary to all litigants.” Id.; accord Procup v. Strickland, 792 F.2d 1069, 1072 (11th Cir. 1986) (en banc) (“Every lawsuit filed, no matter how frivolous or repetitious, requires the investment of court time, whether the complaint is reviewed initially by a law clerk, a staff attorney, a magistrate [judge], or the [district] judge.”); Debose v. United States, No. 22-13380, 2024 U.S. App. LEXIS 2896, at *2-3 (11th Cir. Feb. 8, 2024) (“A court has a responsibility to prevent single litigants from unnecessarily encroaching on the judicial machinery needed by others, and a litigant can be severely restricted as to what he may file and how he must behave in his applications for judicial relief.” (quotation marks omitted)).

¹ A court may take judicial “notice of another court’s order . . . for the limited purpose of recognizing the ‘judicial act’ that the order represents.” United States v. Jones, 29 F.3d 1549, 1553 (11th Cir. 1994).

Consequently, the Court will not accept Plaintiff's future filings for immediate docketing but will instead screen them and determine whether to authorize their filing. This will ensure that frivolous complaints are not docketed as civil actions. See Miller, 541 F.3d at 1097 ("Designing an acceptable procedural device to screen out frivolous IFP filings requires some degree of nuance, and for that reason [c]onsiderable discretion necessarily is reposed in the district court." (quotation marks omitted)). These restrictions will avoid further waste of judicial resources.

Accordingly, the Court imposes the following **RESTRICTIONS** on all pro se filings the Clerk receives from Plaintiff after the entry of this Order: (1) the Clerk shall open a miscellaneous (MI) action for each pro se complaint received from Plaintiff and submit the complaint to the undersigned for review; (2) the Court will review the complaint and determine whether it states a plausible claim for relief or otherwise should be docketed as a new civil action; (3) the Court will issue an order either allowing creation of a new civil action or closing the miscellaneous action without creating a civil action; (4) the Clerk shall not docket any further filings in the miscellaneous action except a notice of appeal, which, if filed, shall be processed in the normal course. Similarly, the Clerk shall not docket any further filings in any of Plaintiff's existing cases except a notice of appeal, which, if filed, shall also be processed in the normal course.

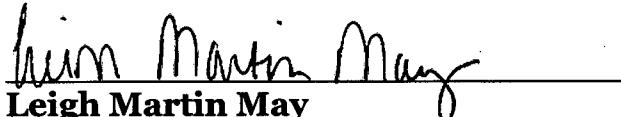
The Clerk **SHALL** impose the aforementioned restrictions upon any pro se filing made by Plaintiff Tamika Seay.

IV. CONCLUSION

In accordance with the foregoing, the Court **DENIES** the pending motions filed in Seay v. United States Department of Justice, No. 1:22-cv-04922-LMM (N.D. Ga.) ("Seay VIII"), Dkt. Nos. [42, 43, 44, 45]; Seay v. The United States, No. 1:23-cv-01490-LMM (N.D. Ga.) ("Seay IX"), Dkt. Nos. [30, 31, 32, 33]; Seay v. Stinson, No. 1:23-cv-02979-LMM (N.D. Ga.) ("Seay X"), Dkt. No. [19]; and Seay v. James, No. 1:23-cv-05232-LMM (N.D. Ga.) ("Seay XI"), Dkt. Nos. [10, 12].

Plaintiff Tamika Seay is **RESTRICTED** from filing in this Court, as set out in Part III above.

IT IS SO ORDERED this 28th day of May, 2024.


Leigh Martin May
United States District Judge

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No. 24-12720

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Order of the Court

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ON PETITIONS FOR REHEARING AND FOR REHEARING
EN BANC

Before JILL PRYOR, NEWSOM, and LAGOA, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Panel Rehearing also is DENIED. FRAP 40.

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