

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 16-16583-D

CELESTINE G. THOMPSON,

Plaintiff - Appellant,

versus

CHARLES TEEBAGY,
M.D., Pompano Pediatrics,
JAMES KNOTTER,
Broward County School Board,
ROBERT W. RUNCIE,
Broward County School Board,
LUCILLE GREENE,
Contractor, Broward County School Board
Department of Transportation,
WILLIE A. JONES,
Sergeant, Broward County Sheriff Office, et al.,

Defendants - Appellees.

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

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Celestine G. Thompson has failed to pay the filing and docketing fees to the district court within the time fixed by the rules, effective September 06, 2017.

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

by: Scott O'Neal, D, Deputy Clerk

FOR THE COURT - BY DIRECTION

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 16-62055-CIV-WILLIAMS

CELESTINE THOMPSON,

Plaintiff,

vs.

CHARLES TEEBAGY, *et al.*,

Defendants.

ORDER DISMISSING CASE

THIS MATTER is before the Court upon a *sua sponte* review of the Complaint (DE 1), and Plaintiff's motion to proceed *in forma pauperis* (DE 4). The Court has carefully reviewed the Complaint and the motion.

Plaintiff Celestine Thompson, proceeding *pro se* and *in forma pauperis*, brings this action against ten Defendants who purportedly violated five different federal statutes. The Complaint alleges that her child was given an unspecified false diagnosis when he was in the first grade. Plaintiff asks for an order providing her child with full medical care.

Because Plaintiff seeks to proceed *in forma pauperis*, the screening provisions of 28 U.S.C. § 1915(e) are applicable to this matter. Pursuant to that statute, courts are permitted to dismiss a suit "any time [] 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). Dismissals for failure to state a claim under §

Exhibit B

1915(e)(2)(B)(ii) are governed by the same standard as those under Rule 12(b)(6) of the Federal Rules of Civil Procedure. See *Mitchell v. Farcass*, 112 F.3d 1483, 1490 (11th Cir. 1997); see also *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (holding that a complaint may survive a Rule 12(b)(6) motion to dismiss only if it contains factual allegations that are "enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true (even if doubtful in fact)"); *Ashcroft v. Iqbal*, 555 U.S. 662, 678-79 (2009) (explaining that a court need not accept legal conclusions as true and that only well-pleaded factual allegations are entitled to an assumption of truth). Although *pro se* pleadings are held to a less stringent standard and construed liberally, see *Boxer X v. Harris*, 437 F.3d 1107, 1110 (11th Cir. 2006), a *pro se* complaint must satisfy the basic pleading requirements of applicable law and the Federal Rules of Civil Procedure. See *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989).

Although Plaintiff is no stranger to federal court,¹ she has failed to state a claim even under the relaxed pleading standard afforded to *pro se* litigants. See *Abele v. Tolbert*, 130 F. App'x 342, 343 (11th Cir. 2005). Even construing the Complaint most liberally, the pleading is deficient under Federal Rule of Civil Procedure 8(a). See *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998); *Olsen v. Lane*, 832 F. Supp. 1525, 1527 (M.D. Fla. 1993) ("[T]he *pro se* litigant must still meet minimal

¹ A review of CM/ECF records for the United States District Court for the Southern District of Florida shows that Plaintiff is a serial filer. *Thompson v. Homeland Security*, No. 03-cv-62240-JIC; *Thompson v. Homeland Security*, 03-cv-62241-DTKH; *Thompson v. Homeland Security*, No. 05-60048-DKTH; *Thompson v. Sec'y of Dep't of Homeland Security*, No. 06-cv-61820-UU; *Thompson v. Sec'y of Dep't of Homeland Security*, No. 06-cv-61821-CMA; *Thompson v. Newsome*, No. 15-cv-62261-BB; *Thompson v. Johnson*, No. 15-cv-61793-WPD; *Thompson v. Johnson*, No. 15-cv-61868-WPD; *Thompson v. Johnson*, No. 16-cv-60652-JIC.

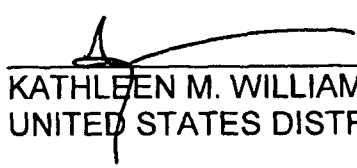
Exhibit B

pleading standards."). Here, the Complaint names ten defendants, including five doctors, but fails to make any specific allegations regarding any of them. Despite asking for an affirmative injunction asking for medical care for her son, it is altogether unclear what happened to him, or how Plaintiff can seek federal relief. She makes no effort to explain how the alleged facts support any legal claim, and ties none of the facts to any of the federal laws she cites. The Complaint generally alludes to a government "cover up" but is otherwise devoid of allegations demonstrating what was covered up, or how, when, and why.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

- (1) Plaintiff's Complaint (DE 1) is **DISMISSED**.
- (2) All pending motions are **DENIED AS MOOT**.
- (3) The Clerk of Court is directed to **CLOSE** the case.

DONE AND ORDERED in chambers in Miami, Florida, this 26th day of September, 2016.


KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE

CC:
Celestine G. Thompson, *pro se*
P.O. Box 165
Fort Lauderdale, FL 33302

Exhibit B