No. _____

In the Supreme Court of the United States

ANTHONY B. LEWIS, M.D.,

Petitioner,

v.

HCA FLORIDA LAWNWOOD HOSPITAL,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

APPENDIX

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APPENDIX

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Appendix A
[Filed: Sep. 11, 2025]

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10386
Non-Argument Calendar

ANTHONY LEWIS, M.D.,

Plaintiff-Appellant,

versus

HCA FLORIDA LAWNWOOD HOSPITAL,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 2:24-cv-14147-DMM

Before WILLIAM PRYOR, Chief Judge, and LAGOA and WILSON, Circuit Judges.

PER CURIAM:

Anthony Lewis appeals the dismissal of his amended complaint against Lawnwood Hospital, a Florida hospital operated by Hospital Corporation of America. The district court dismissed the complaint as a shotgun pleading and alternatively for failure to

state a claim under federal and Florida law. Fed. R. Civ. P. 12(b)(6). Because Lewis does not challenge the ruling that the amended complaint failed to state a claim for relief, we affirm.

I. BACKGROUND

Lewis's complaint alleges events that arise out of his affiliation as a physician with Lawnwood Hospital. Lewis sued the hospital for retaliation, a hostile work environment, defamation, and breach of contract. He alleged that the hospital violated federal law when, after he complained of race-based discrimination, it subjected him to a series of "frivolous, unfounded 'peer review' investigations" that were racially motivated and failed to meet minimum federal standards. *See* 42 U.S.C. §§ 1101, 1981, 1983, 1985, 2000e-2. He also alleged that the hospital violated Florida law when it breached its bylaws by failing to provide adequate notice regarding the investigations and made "untruthful and slanderous comments" to his fellow physicians. These investigations culminated in the termination of his medical staff privileges. The district court explained that the complaint spanned "70 pages, with charts interspersed, and with numerous attachments," contained allegations that were "redundant and include[d] references to statutes and facts . . . hav[ing] no apparent connection to his purported causes of action," and contained facts that were "rambling, excessively long and at times incoherent."

Lawnwood Hospital moved to dismiss the complaint. The district court ruled that the complaint did not satisfy federal pleading standards and constituted an impermissible shotgun pleading. It dismissed the complaint without prejudice and granted Lewis leave to

file an amended complaint. Lewis filed an amended complaint, and Lawnwood Hospital moved to dismiss it, too. The district court determined that the amended complaint was "quite similar to the original" and that the "major difference" was that Lewis had transferred text from the body of the complaint to footnotes and not made "any meaningful effort to cure the defective com-plaint." It ruled that the amended complaint remained an impermissible shotgun pleading and failed to state a claim for relief under federal and Florida law. It dismissed the amended complaint with prejudice.

II. STANDARDS OF REVIEW

"When a district court dismisses a complaint because it is a shotgun pleading, we review that decision for abuse of discretion." *Barmapov v. Amuial*, 986 F.3d 1321, 1324 (11th Cir. 2021). When the district court also dismisses the complaint because it fails to state a claim, we review that decision *de novo* and accept the allegations of the complaint as true and construe them in the light most favorable to the plaintiff. *McCarthy v. City of Cordele*, 111 F.4th 1141, 1145 (11th Cir. 2024). When the district court interprets state law, we review that interpretation *de novo*. *Smith v. R.J. Reynolds Tobacco Co.*, 880 F.3d 1272, 1279 (11th Cir. 2018).

III. DISCUSSION

Lewis argues that his first amended complaint is not a shotgun pleading and that the district court violated his "First Amendment right of petition" and his "one-time right" to amend his first amended complaint. He presents no arguments to challenge the

alternative ruling that his amended complaint also failed to state a claim for relief under federal and Florida law. So, we need not reach his former arguments because his failure to brief the latter issue is fatal to his appeal. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014) ("When an appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, he is deemed to have abandoned any challenge of that ground, and it follows that the judgment is due to be affirmed.").

Separately, Lewis asks us to reverse the order entered after the dismissal of his amended complaint, in which the district court sanctioned his counsel. Because review of that order exceeds the scope of this appeal—which is limited to the order dismissing Lewis's amended complaint—and is the subject of another pending appeal in our Court, we do not reach his request.

IV. CONCLUSION

We **AFFIRM** the dismissal of Lewis's amended complaint, **DENY** his motion to supplement the record, and **DENY** the parties' competing motions for sanctions.

Appendix B
[Filed: Oct. 30, 2025]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10386
Non-Argument Calendar

ANTHONY LEWIS, M.D.,
Plaintiff-Appellant,

versus

HCA FLORIDA LAWNWOOD HOSPITAL,
Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 2:24-cv-14147-DMM

Before WILLIAM PRYOR, Chief Judge, and LAGOA and WILSON, 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 Rehearing En Banc is also treated as a Petition for Rehearing before the panel and is DENIED. FRAP 40, 11TH CIR. IOP 2.

Appendix C
[Filed: Feb. 5, 2025]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-14147-CV-MIDDLEBROOKS

ANTHONY LEWIS, M.D.,

Plaintiff,

v.

HOSPITAL CORPORATION OF AMERICA (HCA) FLORIDA LAWNWOOD HOSPITAL,

Defendant.
_____/

ORDER GRANTING MOTION TO DISMISS, DENYING MOTION TO "TRANSFER," AND REQUIRING PLAINTIFF'S COUNSEL TOSHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED

THIS CAUSE is before the Court on Defendants' Motion to Dismiss Plaintiff's Amended Complaint (DE 73). Plaintiff has not bothered to file a response in opposition, and his deadline to do so has passed. What Plaintiff has filed, however, are a series of incoherent and vexatious motions and notices. Plaintiff's filings in this case are woefully inadequate and unsupported by existing law. His Amended Complaint remains incoherent and defiant of my Order of dismissal of the initial Complaint as a shotgun pleading. The "Motion to Transfer State Proceedings" and "Motion for Stay of Peer Review Proceedings" are frivolous, lacking any support in the law. For the reasons set

forth below, I will grant the Motion to Dismiss, deny all of Plaintiff's pending motions, and pursuant to Rule 1 l(c)(3) of the Federal Rules of Civil Procedure, Plaintiff's counsel is directed to show cause why his conduct in these proceedings has not violated Rule (11)(b).

I. BACKGROUND

The initial complaint was dismissed as a shotgun pleading. It was 70 pages in length, with charts interspersed and numerous attachments. It included references to statutes and facts with no apparent connection to the purp011ed causes of action. My Order of dismissal cited the principal Eleventh Circuit cases describing the categories of shotgun pleadings, and granted Plaintiff "one opportunity to file a coherent and rule compliant Amended Complaint ... " (DE 62 at 3). The Order directed Plaintiff to "ensure any Amended Complaint pleads only necessary facts, contains a short and plain statement of the claims, is not excessive in length, and otherwise fully complies with the requirements of Federal Rules of Civil procedure 8 and 10." *Id.*

On December 10, 2024, Plaintiff submitted three filings: (1) "Plaintiff's Objection to Order of Dismissal and Motion for Reconsideration and Clarification" (DE 63); (2) First Amended Complaint (DE 64); and (3) "Plaintiff's Motion to Transfer State Proceedings and Motion for Stay of Peer Review Proceedings" (DE 65). The following day, Plaintiff filed a Motion to Withdraw (DE 63), and simultaneously filed an Amended Objection to Order of Dismissal and Motion for Reconsideration and Clarification (DE 67), which is, with the correction of numbering, identical. The "Amended

Objection" states it is filed by Plaintiff 's counsel Roderick Andrew Lee Ford. He asserts that his client has directed him to simultaneously file a "First Amended Complaint." Mr. Ford asserts that the original Complaint "is deeply-rooted in the Civil War Amendments, the 1866 Civil Rights Act, the plight of African American physicians and the oppression against both African American physicians and physicians of all races within corporate medicine." (DE 67 at 2). He continues that having thoroughly re-read and reviewed the original complaint, "we have deemed that this Court cannot - articulate any specific sentence; paragraph; section; or count" that violates Rule 8 or 9 of the Federal Rules of Civil Procedure, or any careful analysis of applicable law that relates to Rule 12(b)(6) motions or shotgun pleadings. (DE 67, at 2 (emphasis in original)). Counsel argues that the dismissal order does not comply with the requirements of Fed. R. Civ. P. 65, pertaining to injunctions (DE 67 at 3-4), that it is "an unconstitutional punishment (i.e. sanctions) against civil rights litigants," and that it has a chilling effect upon civil rights advocacy. (DE 67 at 10). Counsel further characterizes the dismissal order as 'judicially dishonest," and states that it violates the Code of Conduct for United States Judges and "leaves this Court vulnerable and open to the very plausible concern that said Dismissal order is an exemplification of federal judicial evasion of the fundamental right of court access that is unique to African American litigants...."(DE 67 at 14).

The First Amended Complaint is quite similar to the original. Comparison shows that the major difference is the transfer of text from the body of the Complaint to footnotes. For example, the twelve pages that

comprised paragraph 25 of the original Complaint has become a footnote spanning four pages of the Amended Complaint. (DE 64 at 29). Conversely, pages 31-34 of the Amended Complaint consists of the language that was previously set forth in footnote 29 of the original Complaint. In this way, Counsel simply seeks to circumvent the pleading rules that I previously warned him he violated, without any meaningful effort to cure the defective complaint at all. The problems don't end there, however.

The first 17 pages of the Amended Complaint are simply incomprehensible, a combination of conclusory statements about intentional fraud, citations to Florida Statutes and excerpts from "Am Jur" (the *American Jurisprudence* legal encyclopedia), and descriptions of comments, ostensibly by the Plaintiff, about peer reviews concerning patients. The next series of pages contain a discussion about a group called United Physicians Alliance ("UPA") allegedly founded by the Plaintiff in 2016, and citations to articles about discrimination towards physicians of color. (DE 64 at 20-24). The Amended Complaint then names three witnesses and says the Plaintiff and the UPA assert on their behalf anti-retaliation rights. (DE 64 at 28-30).

The hallmark of shotgun pleading -- counts that reallege and reincorporate previous allegations with no discernment - persists throughout the Amended Complaint. Plaintiff 's purported claims are summarized as follows:

Count I of the Amended Complaint purports to state a claim under the Health Care Quality Act of 1986, and Breach of HCA Florida Medical Staff Bylaws. It realleges and reasserts paragraphs 1 through 20.

Count II, again alleging paragraphs 1 through 20, asserts a claim under Title VII of the Civil Rights Act - Hostile Working Environment. The Count claims the hospital subjected the Plaintiff to unfounded "peer review" investigations and terminated his medical staff privileges.

Count IV, once again realleging paragraphs 1 through 20, claims a violation of Section 1981 - Hostile Working Environment (1866 Civil Rights Act) based upon the race-based peer review investigation.

Count V realleges paragraphs 1 through 20 and claims that the peer review investigations and revocations of medical staff privileges resulted from his advocacy on behalf of himself and

other physicians.

Count VI realleges paragraphs 1 through 20 and is titled "Defamation (Slander Per Se) Florida Contract Law." That Count contains extensive legal argument within a lengthy footnote. (DE 64 at 52, FN 47). And Plaintiff describes the alleged slander as follows:

> 1. False allegations about Plaintiff Lewis that negatively affected his referral base in the medical community.
> 2. Bernard Ashby, M.D., was told by administration not to refer to A. Lewis.
> 3. Other hospitalists were also instructed to refer cardiology cases to Chalasani.

(DE 67 at 53).

Contemporaneously with his Amended Complaint, Plaintiff filed a "Motion to Transfer State Proceedings" and a "Motion for Stay of Peer Review Proceedings."

He seeks to "transfer" the peer review proceedings to federal court and requests an order staying the peer review action. He claims as authority Title 28, United States Code, § 1443, the Supreme Court's decision in *Georgia v. Rachel,* 384 U.S. 780 (1926), as well as the discretionary authority of a district court to stay proceedings before it pending results in related cases. His motions are meritless and none of the relief he seeks is supp01ted by law.

II. DISCUSSION

A. The Amended Complaint Remains an Impermissible Shotgun Pleading.

Plaintiff 's counsel has made no effort to address the concerns I expressed in my Order of dismissal or the Eleventh Circuit caselaw governing shotgun pleadings. Moving lengthy immaterial narratives, facts having nothing to do with the claims asserted, legal arguments, journal articles, and claims of use of expert testimony to prove fraud from text to footnotes (and vice versa) does nothing to solve the deficiencies. Paragraph 2 of the Amended Complaint -- which spans 16 pages -- listing ten peer review cases with cryptic comments and conclusory claims of intentional fraud, is simply incomprehensible. Each of the counts "re-alleges and re-asserts" paragraphs 1 through 20, in fifty-five pages of incoherent rambling.

For example, paragraph 15 names three proffered witnesses -- Dr. Nayyar, Dr. Lloyd, and Dr. Seeger-asse1ting they are available to testify. (DE 64 at 27-28). The next several pages discuss activities of the United Physicians' Alliance (UPA). *(Id.* at 27-30). The Amended Complaint further states: "[t]o that end, Dr.

Lewis and the UPA hereby asserts [sic], on their behalf, their anti-retaliation rights as witnesses to be protected under all anti-retaliation state and federal laws for (a) speaking to members of the NCRB, EECO, or other agency [sic]; (b) providing written documents to said persons; (c) giving sworn testimony." Other portions of the Amended Complaint request "all remedies necessary to safeguard the civil rights of similarly-situated black/African American physicians." (DE 64 at 1, 38, 41, 45, 48, 51, 54).

The UPA, however, is not a plaintiff; testimony before the NCRB, the EEOC and other agencies is not part of this lawsuit, which is not a class action; and none of this is relevant to any of the claims.

The Amended Complaint also combines various claims for relief in a single count, which is plainly impermissible. Count I, for instance, contains claims for violation of the Health Care Quality Improvement Act of 1986; breach of HCA Florida Medical Staff By-Laws (a state law breach of contract action) and intentional fraud. Count VI is curiously titled "Defamation (Slander Per Se) - Florida Contract Law." The numbered paragraphs discuss slander, but footnote 47 accompanying the Florida Contract law reference, discusses a Florida case, *Lawnwood Med. Ctr. Inc. v. Sadow,* 43 So. 3d 710 (Fla. 4th DCA 2010), involving claims for both breach of contract and slander per se.

Notably, this was not Plaintiff 's counsel's first encounter with the ramifications of shotgun pleadings. In *Lincoln Mem 'l Acad. V. Sch. Dist. Of Manatee Cnty,* 2023 U.S. App. LEXIS 31429, 2023 WL 8231853 (11th Cir. 2023), the Court of Appeals affirmed dismissal with prejudice of another Amended Complaint filed by Plaintiff 's counsel after a dismissal and warning.

Thus, it cannot be said that Plaintiffs counsel is unaware of the rules of pleading; he simply does not choose to follow them. Mr. Ford's "Objection to the Dismissal Order," filed on his own behalf not that of his client, insists that:

> the "Introduction" portion of the Verified Complaint is necessary to place the entire cause of action into its proper context. This is a specialized civil rights cause of action that is designed to clarify existing law or to establish new law. In traditional civil rights parlance, this is also known as "social engineering," which is a type of civil rights jurisprudence that generally involves the pleading of extra-legal or extra-judicial, historical, social, psychological economic data.

(DE 67 at 8). Thus, Mr. Ford contends that the "dismissal order constitutes, or has a 'chilling effect' upon civil rights advocacy, and upon the rights of civil rights lawyers and advocates to engage in 'social engineering' in order to clarify or change existing law, or to establish new law." (DE 67 at 13). According to Mr. Ford, the Dismissal Order is an "exemplification of federal judicial evasion of the fundamental right to court access that is unique to African American litigants such as Anthony Lewis M.D." (DE 67 at 15).

However, the Federal Rules of Civil Procedure are race neutral. Rule 8 is a general rule of pleading requiring a short and plain statement of the claim in every type of action. Rule 10, Form of Pleadings, requires a party, regardless of race, to state claims or defenses in numbered paragraphs, each limited as far

as practicable to a single set of circumstances. Each claim founded on a separate transaction or occurrence must be stated in a separate count. The pleading rules need to be enforced, and enforced equally. The Amended Complaint is therefore dismissed with prejudice as a shotgun pleading.

B. Alternatively, the Amended Complaint Fails to State a Claim.

Alternatively, the Amended Complaint is dismissed for failure to state a claim, pursuant to Federal Rule of Civil Procedure 12(b)(6). This well-known rule provides a means to challenge the legal sufficiency of the allegations in a complaint. In assessing legal sufficiency, the court is bound to apply the pleading standard articulated in *Bell Atlantic Corp. v. Twombly,* 550 U.S. 544 (2007) and *Ashcroft v. Iqbal,* 556 U.S. 662, 678 (2009). That is, the complaint "must ... contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face,'" *Am. Dental Ass'n v. Cigna Corp.,* 605 F.3d 1283, 1289 (11th Cir. 2010) (quoting *Twombly,* 550 U.S. at 570). "Dismissal is therefore permitted when on the basis of a dispositive issue of law, no construction of the factual allegations will support the cause of action." *Glover v. Liggett Grp., Inc.,* 459 F.3d 1304, 1308 (11th Cir. 2006) (internal quotations omitted) (citing *Marshall Cty. Bd. of Educ. V Marshall Cty. Gas Dist.,* 992 F.2d 1171, 1174 (11th Cir. 1993)). I am mindful that in a motion to dismiss posture, I must construe the complaint in the light most favorable to Plaintiff and assume the truth of his allegations. *See Erickson v. Pardus,* 551 U.S. 89, 93 (2007); *Christopher v. Harbury,* 536 U.S. 403, 406 (2002); *Brooks v. Blue Cross & Blue Shield of*

Fla., Inc., 116 F.3d 1364, 1369 (11th Cir. 1997). However, pleadings that "are no more than conclusions, are not entitled to the assumption of truth." *Iqbal,* 556 U.S. at 678. Moreover, "a formulaic recitation of the elements of a cause of action will not do." *Twombly,* 550 U.S. at 555 (citation omitted).

Count I purports to state a claim under the Health Care Quality Improvement Act of 1986,

42 U.S.C. §1101 et seq. However, the Eleventh Circuit has held that no private cause of action exists under that act. *Bok v Mutual Assur.,* 119 F. 3d 927 (11th Cir. 1997); *see also Patel v Ga. Dep 't of Behavioral Health and Developmental Disabilities,* 517 Fed. Appx. 750 (11th Cir. 2013).

Count II alleges a hostile working environment in violation of Title VII. He bases his claim on a series of peer review[1] investigations which were "umeasonably frequent" and racially discriminatory. He alleges the hospital did not conduct any investigation into the race-based concerns or take any corrective action but instead terminated his medical staff privileges.

However, Dr. Lewis is not an employee of HCA. He describes himself as an "independent physician" and a representative of other independent physicians. (DE 64 at 31, FN 29). The previous litigation referenced throughout the Amended Complaint, in which Dr. Lewis was a plaintiff, concerned an alleged exclusion from the hospital emergency call schedule of

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[1] In the medical profession, peer review is a process by which physicians and hospitals evaluate and discipline staff doctors. *Bryan v. James E. Holmes Regional Medical Center,* 33 F. 3d 1318, 1321 **(11th** Cir. 1994).

independent physicians including Dr. Lewis, in favor of physicians employed by the hospital.[2]

An independent contractor has no cause of action under Title VII. *Llampallas v Mini-Circuits, Inc.,* 163 F. 3d 1236(11th Cir. 1998); *Cobb v Sun Papers, Inc.,* 673 F. 2d 337(11th Cir. 1982). *See also Alexander v Rosh N. Shore Medical Center,* l O1 F. 3d 487 (7th Cir. 1996) (holding a plaintiff physician whose hospital privileges were revoked was an independent contractor and therefore not protected by Title VII).

Count Ill, a Title VII retaliation claim, suffers the same defect. He characterizes the termination of medical staff privileges as an adverse employment action prohibited by an employer. (DE 64 at 15 FN 18; *Id.* at 44; *Id.* at 47). As an independent contractor, Title VII does not provide coverage to the Plaintiff:

The Title VII counts must also be dismissed because as a condition precedent to filing a Title VII action, a plaintiff must obtain a Notice of Right to Sue from the EEOC. *Fouche v Jekyll Island State Park Authority,* 713 F. 2d 1518 (11th Cir. 1983). While Plaintiffs Amended Complaint attaches a letter from Plaintiff's counsel *requesting* a right to sue, the Amended Complaint concedes at footnote 23 that he has not receive one. (DE 64 at 18, FN 23). Counts II and III are dismissed for this reason as well.

Counts IV and V allege claims pursuant to 42 U.S.C. *§* 1981 for hostile work environment and retaliation. But again, the Amended Complaint bases its claim on an employment contract and characterizes

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[2] A copy of Plaintiffs Amended Verified Complaint for Emergency Mandatory Injunctive Relief is attached as Exhibit A to HCA's Motion to Dismiss (DE 73-1).

the termination of staff privileges as an adverse employment action. (DE 64 at 45 FN41; *Id.* at 46 FN42; *Id*. at 48 FN 44; *Id.* at 47; *Id*. at 51).

Count VI purports to be a claim for both Slander Per Se and Florida Contract Law, combined. This Count has been the subject of some unusual filings. On January 9, 2025, Plaintiff filed a Notice of Intent to Withdraw Count Six of the First Amended Complaint. (DE 72). Then, on January 16, 2025, Plaintiff filed a Motion to Sever Count VI from the Amended Complaint and for Abstention as to the Pending State Court Proceedings. (DE 80). Finally, on January 15, 2025, Plaintiff filed a Notice of Pendency of Related Action (DE 77), where he indicates that on January 14, 2025, he had filed a complaint in state court, *Lewis v HCA Florida Lawnwood,* Case no. 2025-CA-000081. According to the Plaintiff, "this state-court complaint removes Count VI [in the Amended US District Court case] to the said state court, thus removing all the state law claims from the US District Court." (DE 77). The state law complaint is attached to the Notice and its sole count is identical to Count VI of the Amended Complaint. (DE 77 at 3-6).

Apart from these procedural irregularities, and the joining of a defamation claim with a breach of contract claim, Count VI fails to state a claim as to either. To plead defamation requires allegations of the following elements: "(1) publication; (2) falsity; (3) actor must act ... at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory." *Jews for Jesus, Inc. v. Rapp,* 997 So. 2d 1098, 1106 (Fla 2008). The Amended Complaint does not identify any false statement much less any person alleged to have made such a statement. He

simply alleges "false allegations" without describing their content or by whom they were made.

And with respect to the purported contract claim, beyond the heading containing the words "Florida Contract Law," no contract or breach is alleged.

C. The Motion to Transfer is Frivolous

Also filed with the Objection and Amended Complaint was the Motion to Transfer. In a subsequent filing, Plaintiff 's counsel explained:

> Because the Plaintiff is black/African American, and pursuant to Rule 11 (b) of the Federal Rules of Civil procedure, he has sought to "establish new precedent" by having the "Peer Review" action heard in the U.S. District Court because, as a representative of an entire class of black/African American physicians, the underlying civil rights complaint exemplifies systemwide racial discrimination against a large class of physicians of color.

(DE 80 at 1 FN 1).

But Rule 11(b) protects a nonfrivolous claim to establish new law formed after reasonable inquiry. The statute counsel cites as authority provides:

> Any of the following civil actions or criminal prosecutions commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing

> the place wherein it is pending: (1) against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof; (2) For any act under color of authority derived from any law providing for equal rights or for refusing to do any act on the ground that it would be inconsistent with such law.

28 U.S.C. § 1443.

Simply reading the statute shows the insurmountable problems with the Motion to Transfer. Peer Review by physicians is not a civil action or criminal prosecution, it was not commenced in a state court and there has been no showing that the plaintiff cannot enforce a right providing for equal civil rights in the state com1s of Florida. Not only does the statute offer no support for counsel's argument but so too the Supreme Court's decision in *Georgia v Rachel,* 384 U.S. 780 (1966), the caselaw cited in his motion. That case involved remand of a criminal trespass prosecution in state court and also shows that broad contentions of denial of rights will not suffice and an inability to obtain redress in state courts must be evident from the state law itself. An apprehension of denial of civil rights is not enough. *See also Alabama v Conley,* 245 F. 3d 1292 (11th Cir. 2001).

Tellingly, this is not Mr. Ford's first attempt to use this tactic. He previously sought to remove his own family law case from state court to U.S. District Court in the Middle District of Florida pursuant to 28 U.S.C.

§ 1443. *See* Case no. 8:24-CV-00802-KKM-UAM at DE 1. Attached to his notice of removal was his bar complaint against his ex-wife's attorney. *See* Case no. 8:24-CV-00802-KKM-UAM at DE 1-5, and his motion to disqualify the state court judge *(Id* at DE 1-4). In a memorandum attached to his Emergency Affidavit Filed in State Court also contained in the district court, Mr. Ford states as follows:

> It is my contention that the State Court system in the above-cited case, have violated my fundamental or common-law Husband discretionary rights to determine the method and means of providing for his family because I am a black/African American man, husband, and father, and that it did so pursuant to a law, custom or usage [Fla. Stat. Chap. 61] of evading the unique conditions and plight of Black families.

Case no. 8:24-CV-00802-KKM-UAM at DE 11, p. 5.

The case was remanded to state court by Order dated April 8, 2024, *Ford v. Braxton,* 2024 U.S. Dist. LEXIS 87127, 2024 WL 2116617 (M.D. Fla 2024). Citing *Alabama v. Conley, supra,* the Court explained that Mr. Ford's generalized grievance did not demonstrate that his rights could not be enforced in the state courts and that he had not shown reliance on a federal law providing for specific civil rights stated in terms of racial equality. Again, he repeatedly ignores existing law.

D. Order to Show Cause

Mr. Ford's invocation of race is an abusive litigative tactic he frequently employs.[3] His deliberate refusal to recognize or acknowledge existing law, and his repeated misstatement of binding precedent is both ineffective and violates the rules governing the profession. Mr. Ford is therefore directed to show cause why he should not face sanctions pursuant to Federal Rule of Civil Procedure 11, including referral to the Florida Bar.

CONCLUSION

For the foregoing reasons, it is **ORDERED AND ADJUDGED** that:

1. The Motion to Dismiss the Amended Complaint (DE 73) is **GRANTED.** The Amended Complaint is a shotgun pleading, and on that ground it is subject to dismissal with prejudice. Alternatively however, the Amended Complaint is dismissed for failure to state a claim pursuant to Fed. R. Civ. P. 12(6)(6).
2. The Amended Objection to Order of Dismissal and Motion for Reconsideration and Clarification (DE 67) is **DENIED.**
3. The Motion to Transfer State Proceedings and Motion for Stay of Peer Review Proceedings (DE 65) is **DENIED.**

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[3] 3 The scope and repetitive nature of Mr. Ford's conduct is further reflected in Orders entered by District Judges Dalton and Mendoza, including referral to the Grievance Committee for the Orlando Division of the Middle District of Florida. *See Reid v. Rutkoski,* Case No. 6:20-cv-727-RBD-DCI (DE 147) (September 23, 2023); *Rembert v. Dunmar Ests.,* 2022 U.S. Dist. LEXIS 127273, 2023 WL 4706093 (July 24, 2023).

4. Plaintiffs Motion for Summary Judgment and Leave to Conduct Discovery (DE 68), and Plaintiffs Motion to Sever and Dismiss and Motion to Sever and Dismiss Without Prejudice Count VI from the First Amended Complaint Pursuant to Rule 15, Fed. R. Civ. P. (DE 80) are **DENIED AS MOOT.**
5. Finally, **on or by February 14, 2025**, Plaintiff shall **SHOW CAUSE**, in writing, why snactions should not be imposed.

Signed in Chambers in West Palm Beach, Florida, this 5 day of February, 2025.

/s/ Donald M. Middlebrooks
DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record

Appendix D
[Filed: Apr. 21, 2025]

Case No.: 25-10386

IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

ANTHONY B. LEWIS, M.D.

Plaintiff – Appellant

Vs.

HCA FLORIDA LAWNWOOD HOSPITAL

Defendants- Appellee.

A DIRECT APPEAL OF A CIVIL CASE FROM THE UNITED STATES DISTRICT COURT- SOUTHERN DISTRICT OF FLORIDA
Case No. 2:24-cv-14147-DMM

MOTION TO CONSOLIDATE APPELLATE CASES

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Attorney For Appellant

MOTION TO CONSOLIDATE APPEALLATE CASES

NOW COMES the Appellant, Anthony B. Lewis, MD, pursuant to Rules 3(c)(4) and 3(c)(5)(A) of the Federal Rules of Appellate Procedure, and respectfully moves this Court to consolidate to pending appellate cases:

a. *Lewis v. HCA Florida Lawnwood Hospital*, Case No. 25-10386
b. *Lewis v. HCA Florida Lawnwood Hospital*, Case No. 25-11291

In support thereof, the undersigned respectfully states:

1. The above-referenced appellate cases
   a. Involve the same parties; and,
   b. involve the same issues.
2. The first Notice of Appeal was filed on February 5, 2025. This notice appealed the District Court's Order of Dismissal (Doc. # 83), which was also filed on February 5, 2025.
3. The District Court reserved jurisdiction over one of the issues contained in the Order of Dismissal (Doc. # 83), and it finally resolved that issue on March 24, 2025 (Doc. # 99).
4. The second Notice of Appeal was filed on April 17, 2025 and this notice also appealed the District Court's Orders of Dismissal docketed on 2/05/2025 (Doc. # 83) and 04/17/2025 (Doc. # 99).
5. The Appellant's Opening Initial Brief, which was filed on April 17, 2025, fully

addresses and briefs all of the legal issues included in both final orders, to wit: the District Court's final order docketed on 2/05/2025 (Doc. # 83), and the final order docketed on 04/17/2025 (Doc. # 99).

6. For these reason, the Appellee will not be prejudiced by the consolidation.
7. The consolidation will promote judicial economy and principles of equity requiring just, inexpensive, and speedy resolution of legal issues.
8. The Appellant and Appellant's counsel have limited resources and thus litigating two separate appeals would be unduly financially burdensome.

MEMORANDUM OF LAW

Under Federal Rule of Appellate Procedure 3(b)(2), this Court may consolidate separately filed "timely" appeals when those "appeals arise from the same . . . litigation in the District Court" and it "would be both efficient and equitable for the disposition of the appeals." *Chem One, Ltd. v. M/V RICKMERS GENOA*, 660 F.3d 626, 642 (2d Cir. 2011); see also *Devlin v. Transp. Commc'ns Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999) (holding that a court "should consider both equity and judicial economy" to determine "whether consolidation is appropriate in given circumstances"); *United States v. Nursey*, 696 F. App'x 983, 983 n.1 (11th Cir. 2017) (allowing appeals to be consolidated under Rule 3(b)); *United States v. Washington*, 573 F.2d 1121, 1123 (9th Cir. 1978) (court may consolidate appeals "where the court in its discretion deems it appropriate and [when it is] in the interests of justice").

The standard for consolidation is met here. Consolidation would be the most efficient means of addressing the identical legal issues presented by these cases. Both appeals are timely and both arise out of the same final judgment.

CONCLUSION

WHEREFORE, the Appellant respectfully moves this honorable Court to consolidate *Lewis v. HCA Fla. Lawnwood Hospital*, Case No. 25-11291 into Case No. 25-10386. All of the legal issues brief in the Appellant's Opening Brief, in the above-captioned case, incorporate the legal issues in the new case (i.e., *Lewis v. HCA Fla. Lawnwood Hospital*, Case No. 25-11291).

DATED: 21 April 2025

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Certificate of Interested Persons and Corporate Disclosure Statement[1]

[1] The CIP contained in the second and all subsequent briefs filed may include only persons and entities omitted from the CIP contained in the first brief filed and in any other brief that has been

The Plaintiff-Appellant, Roderick Ford, pursuant to the Federal Rules of Appellate Procedure, respectfully files this Corporate Disclosure Statement and Certificate of Interested Parties. All parties who have an outcome or vested interest in the outcome of this appeal include the following:

1. Anthony B. Lewis, MD (Plaintiff-Appellant)
2. Hon. Donald M. Middlebrooks (District Court Judge)
3. HCA Florida Lawnwood Hospital (Defendant-Appellee)
4. Martin B. Golberg, Esq. (Trial and Appellate Counsel for Defendant-Appellant)
5. Anna Price Lazarus (Trial and Appellate Counsel for Defendant-Appellant)
6. Lynnette Cortes Mhatre (Trial and Appellate Counsel for Defendant-Appellant)
7. Ford, Roderick O. (Trial and Appellate Counsel for Plaintiff-Appellant)
8. Lash Golberg Fineberg, LLP (Law Firm for Defendants-Appellants)
9. The Methodist Law Centre (Law Firm for Plaintiff-Appellant)
10. The P.M.J.A. Legal Defense Fund, Inc. (Law Firm of Plaintiff-Appellant)

There are no other interested parties to this appeal.

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filed. Filers who believe that the CIP contained in the first brief filed and in any other brief that has been filed is complete must certify to that effect.