CASE NO. 24-12513-AA

In The

Supreme Court of the United States

JULIA M. ROBINSON

PETITIONER,

THE UNITED STATES OF AMERICA,

RESPONDENTS,

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

APPENDIX

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To the United States Court of Appeals For the Eleventh Circuit

No. 24-12513

JULIA MAE ROBINSON Plaintiffs-Appellants,

V.

THE UNITED STATES OF AMERICA, in the country's Official Capacity, DIRECTOR, CENTRAL INTELLIGENCE AGENCY, DIRECTOR, NATIONAL INSTITUTE OF HEALTH, SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION, et al., Defendants-Appellees.

Order of the Court Filed 01/15/2025

Appeal from the United States District Court for the Northern District of Georgia

D.C. Docket No. 1:23-cv-05655-MHC

ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC

Before LAGO, BRASHER, 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 Panel Rehearing also is DENIED. FRAP 40.

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In the United States Curt of Appeals For the Eleventh Circuit

No. 24-12513

Non-Argument Calendar

JULIA MAE ROBINSON, KENDALL J. HALL Plaintiffs Appellants,

V.

THE UNITED STATES OF AMERICA, in the country's Official Capacity, DIRECTOR, CENTRAL INTELLIGENCE AGENCY, DIRECTOR, NATIONAL INSTITUTE OF HEALTH, SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION, et al, Defendants Appellees.

Opinion Order of the Court Filed 11/22/2024

24-12513

Appeal from the United States District Court for the Northern District of Georgia

D.C. Docket No. 1:23-cv-05655-MHC

Before WILSON, LAGOA, and BRASHER, Circuit Judges.

PER CURIAM:

Julia Robinson, proceeding pro se, appeals the district court's dismissal of her first and second amended complaint with prejudice as a shotgun pleading and for failure to comply with the court's orders. On appeal, she argues that the diatrict court misapplied the law in dismissing her complaint. Several appellees jointly move for summary affirmance of the district court's order, arguing that the instant appeal is frivolous.

Summary disposition is appropriate either where time is of the essence, such as

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"situations where important public policy issues are involved or those where rights delayed are rights denied," or where "the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case, or where, as is more frequently the case, the appeal is frivolous." Groendyke Transp., Inc. v. Davis, 406 F.2d 1158, 1161-62 (5th Cir, 1969). An appeal is frivolous when the party is not entitled to relief because there is no basis in fact or law to support their position. See Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001) ("A claim is frivolous if it is without arguable merit cither in law or fact.").

We review a district court's order dismissing an action for failure to comply with the rules of the court or under Federal Rule of Civil Procedure 41(b) for abuse of discretion. Zocaras v. Castro, 465 F.3d 479, 483 (11th Cir. 2006) (stating the standard of review for a dismissal for failure to comply); Gratton v. Great Am. Commc'ns 178 F.3d 1373, 1374 (11th Cir. 1999) (stating the standard of review for dismissal under Rule 41(b)). We "review a dismissal on Rule 8 shotgun pleading grounds for an abuse of discretion." Vibe Micro, Inc. v. Shabanets, 878 F.3d 1291, 1294 (11th Cir. 2018). A complaint must contain a short and plain statement of the claim showing that the plaintiff is entitled to relief. Fed. R. Civ. P. 8(a)(2). Further, claims should be stated in numbered paragraphs, each limited as far as practicable to a single set of circumstances. Fed. R. Civ. P. 10(b). Rule 10(b) also mandates that each claim founded on a separate transaction or occurrence be stated in a separate count if doing so would promote clarity. Id.

We construe a pro se litigant's pleadings liberally. Alba v. Montford, 517 F.3d 1249,

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1252 (11th Cir. 2008). However, that "le-niency does not give a court license to serve as de facto counsel for a party, or to rewrite an otherwise deficient pleading in order to sustain an action." Campbell v. Air Jam., Ltd., 760 F.3d 1165, 1168-69 (11th Cir. 2014) (quotation marks omitted).

However, pro se litigants are not relieved from following procedural rules. Albra v. Advan Inc., 490 F.3d 826, 829 (11th Cir.2007). Issues not briefed on appeal by a pro se litigant are deemed abandoned. Timson v. Sampson, 518 F.3d 870, 874 (11th Cir. 2008). An appellant abandons a claim where she presents it only in "pass-ing references" or "in a perfunctory manner without supporting arguments and authority." Sapuppo v. Allstate Floridian Ins. Co., 739 F.3d 678, 681 (11th Cir. 2014). "[S]imply stating that an issue exists, without further argument or discussion, constitutes abandonment of that issue and precludes our considering the issue on appeal." Singh v. U.S. Att'y Gen., 561 F.3d 1275, 1278 (11th Cir. 2009).

We may affirm the district court's judgment on any ground that finds support in the record. See McKay v. United States, 657 F.3d 1190, 1195 (11th Cir. 2011).

District courts have an inherent power to control their docket. Vibe, 878 F.3d at 1295. T'his includes dismissing a complaint on shotgun pleading grounds. Id. These complaints "waste scarce judicial resources, inexorably broaden the scope of discovery, wreak havoc on appellate court dockets, and undermine the pub lic's respect for the courts." Id. (quotation marks and brackets omit-ted). There are four main types of shotgun complaints: (1) a complaint where each count realleges previous allegations so that "the last count [is] a combination of the entire complaint" and includes large amounts of irrelevant information; (2) a complaint

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which is "Replete with conclusory, vague, and immaterial facts": (3) a complaint which fails to separate each claim for relief into a different count; and (4) a complaint that alleges multiple claims against multiple defendants in each count, without identifying which defendants are responsible for which claims. Weiland v. Palm Beach Cnty. Sheriff's Of., 792 F.3d 1313, 1321-23 (11th Cir. 2015). We have repeatedly condemned the use of shotgun pleadings because those types of complaints do not provide a short and plain statement of the claim as is required under Rule 8. Magluta v. Samples, 256 F.3d 1282, 1284 (11th Cir. 2001).

If a court identifies that a complaint is a shotgun complaint, it generally must give the litigant one chance to replead, with instructions on the deficiencies. Vibe, 878 F.3d at 1296. The chance to replead may be a dismissal without prejudice and, because "[what matters is function, not form," the instructional requirement can be satisfied by a motion to dismiss that sufficiently explains the defects of the complaint. Jackson v. Bank of Âm., N.A., 898 F.3d 1348, 1358 (11th Cir. 2018). If the amended complaint does not remedy the defects and the plaintiff does not move to amend, then the court may dismiss the complaint with prejudice. Vibe, 878 F.3d at 1296. Thus, if the new complaint is also a shotgun pleading, dismissal with prejudice is justified. Id.

Federal Rule of Civil Procedure 41(b) provides that, "Ti]f the plaintiff fails to prosecute or to comply with [the Rules of Civil Pro-cedure] or a court order, a defendant may move to dismiss the action or any claim against it." Fed. R. Civ. P. 41(b). A distriet court may dismiss a case for failure to comply with court rules "under the authority of either Rule 41(b) or the court's inherent power manage its

docket." Weiland, 792 F.3d at 1321 n.10. A court may also dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order, Fed. R. Civ. P. 41(b); Lopez v. Aransas Cuty. Indep, Sch. Dist., 570 F.2d 541, 544 (5th Cir. 1978). Dismissal with prejudice under Rule 41(b) "is an extreme sanction that may be properly imposed only when: (1) a party engage[d] in a clear pattern of delay or willful contempt (contumacious conduct); and (2) the district court specifically finds that lesser sanctions would not suffice." Betty K Agencies, Ltd. v. M/V MONADA, 432 F.3d 1333, 1337-38 (11th Cir. 2005) (quotation marks omitted). A court also has the inherent authority to sanction parties for "violations of procedural rules or court orders," up to and including dismissals with prejudice. Donaldson v. Clark, 819 F.2d 1551, 1557 n.6 (11th Cir. 1987). Although dismissal with prejudice is a drastic remedy, we have stated that "dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion." Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989).

Here, we summarily affirm as to all defendants because the district court correctly found that Robinson's amended complaint was a shotgun pleading, and Robinson fails to develop on appeal any argument specifically challenging that conclusion. Robinson also fails to challenge the district court's dismissal of her amended complaint for failure to comply with its order. To the extent that Robinson argues that the district court generally erred in dismissing her complaint, Robinson's appeal is frivolous because there is no basis in law or fact to support her position, as her initial and Opinion of the Court amended complaints were shotgun pleadings and she failed to comply with the court's instructions on how to remedy the pleading

deficiencies in her filings.

The district court is AFFIRMED. Robinson's pending motions are DENIED.

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

JULIA M. ROBINSON

Plaintiffs,

V.

THE UNITED STATES OF AMERICA et al.,

Defendants.

CIVIL ACTION ORDER FILED 07/08/2024

CASE NO. 1:23-CV-5655-MHC

On May 28, 2024, this Court found that Plaintiffs' Complaint [Doc. 3] was a shotgun pleading subject to dismissal, presenting "the precise problems the Eleventh Circuit has identified as being characteristic of shotgun pleadings; it "is in no sense the 'short and plain statement of the claim' required by Rule 8 of the Federal Rules of Civil Procedure." May 28, 2024, Order ("May 28 Order") [Doc. 80] at 21 (quoting Magluta v. Samples, 256 F.3d 1282, 1284 (11th Cir. 2001) (citation omitted)).' Nevertheless, recognizing Plaintiffs' pro se status, instead of

1 The Court's May 28 Order contains an extensive discussion of the allegations Plaintiff has made in this case, which this Court adopts herein by reference. Id. at 2-13. The Court also noted that the present lawsuit is substantially similar to three other lawsuits Plaintiffs, or Robinson on her own, filed in 2022 and 2023 dismissing the Complaint, the Court afforded Plaintiffs an opportunity to amend the Complaint to address the flaws identified by the Court. Id. at 22-25. Plaintiffs subsequently filed four documents, two of which appear to be

amended complaints and were docketed as such [Docs. 82 and 84]. The other two filings appear to be motions for temporary restraining orders, entitled "Notice of Submission of Documents/Exhibits / Evidence for This Entire Case and for TRO/Temporary Retraining [sic] Order/ Protection Order/ Preliminary Injunction/ and Notice of Hearing ("Pls." Second Mot. for TRO") [Doc. 81], and "Verified Emergency Motion/Verified Emergency Filing/ Verified TRO Temporary Retraining Order/Verified Retraining Order/Verified Stay Away Order /Verified Preliminary Injunction/Verified Permanent Retraining Order /Injunction" ("Pls.' Third Mot. for TRO") [Doc. 83]. The Court will address the motions for temporary restraining orders and then turn to the amended complaints to determine if they complied with this Court's May 28 Order.

(collectively, the "previous lawsuits"), all of which have been dismissed: Robinson v. Choice Hotels Int'l Serv. Corp. Serv. Co., No. 1:22-CV-3080-MHC, 2023 WL 3627861 (N.D. Ga. Apr. 13, 2023), aff d sub nom., Robinson v. City of Hollywood Police Dep't, No. 23-11733, 2024 WL 983926 (11th Cir. Mar. 7, 2024); Robinson v. The United States of America, et al., No. 1:23-CV-43-MHC (N.D. Ga. Jan. 4, 2023); Robinson v. United States, No. 1:23-CV-1161-MHC, 2023 WL 8351618, at *2 (N.D. Ga. Sept. 7, 2023). May 28 Order at 2-3, 13.

MOTIONS FOR TEMPORARY RESTRAINING ORDER

A. Legal Standard

In order to obtain a temporary restraining order or preliminary injunction, a plaintiff must demonstrate: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the injunction is not granted; (3) that

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the threatened injury to the plaintiff absent an injunction outweighs the damage to the defendant if an injunction is granted; and (4) that granting the injunction would not be adverse to the public interest. Four Seasons Hotels & Resorts, B.V. v. Consorcio Barr, S.A., 320 F.3d 1205, 1210 (11th Cir, 2003); Morgan Stanley BW, Inc. v. Frisby, 163 F. Supp. 2d 1371. 1374 (N.D. Ga. 2001). A temporary restraining order is "an extraordinary and drastic remedy" and should be granted only when the movant clearly carries the burden of persuasion as to each of the four prerequisites. Four Seasons, 320 F.3d at 1210.

To the extent Plaintiffs are seeking ex parte injunctive relief, a court may issue a temporary restraining order without notice to the adverse party or its attorney only if:

(A)specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

FED. R. CIV. P. 65(b)(1). "The stringent restrictions imposed by [Rule 65] on the availability of ex parte temporary restraining orders reflect the fact that our entire jurisprudence runs counter to the notion of court action taken before reasonable notice and an opportunity to be heard has been granted both sides of a dispute." Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameida Cnty., 415 U.S. 423, 438-39 (1974). To the extent they Are entered, ex parte temporary restraining orders "should be restricted to serving Their underlying purpose of preserving the status quo and preventing irreparable

harm just so long as is necessary to hold a hearing, and no longer." Id. at 439.

B. Discussion

Plaintiffs' Second Motion for TRO asserts in conclusory fashion and in general terms that their case is meritorious but fails to identify any legal cause of action. See Second Motion for TRO. In salient part, the motion provides as follows:

The Plaintiff isn't going to allow NO ONE to take over her case. The Plaintiff will continue to represent herself and her daughter in this case.
The Plaintiff will also keeping [sic] showing The American public everything through her motions she files to show how this court is and has been cheating for The Defendants by allowing The Defendants to assault The Plaintiffs through poisonings throughout their residence through the air and water gauging [sic] it under illegal research to help their evil friends so called professionals make money in the state of Florida and Georgia which still violates The Plaintiffs[']
Constitutional Rights. The Plaintiffs ha[ve] shown this court through their evidence that they don't and never did qualify for no research to be performed and how it is still being done and This court and The United States Of America and this court is ALLOWING THE BLACK AFRICAN AMERICA PLAINTIFFS TO BE ATTACKED THROUGH ILLEGAL RESEARCH.

Id. at 1. Plaintiffs support the motion with a statement from Julia Robinson that purports to explain the factual circumstances surrounding a June 26, 2019, arrest of Kristian Hall (the father of Plaintiff Kendall Hall). Id. at 2-6. However, Plaintiffs

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Fail to explain how the circumstances detailed in Robinson's statement relate to Plaintiffs' case, or any cause of action asserted therein.

Plaintiffs' Second Motion for TRO is without merit. Plaintiffs fail to demonstrate any of the four prerequisites to obtaining a TRO. Most significantly, Plaintiffs have not argued or demonstrated that they are substantially likely to succeed on the merits of any valid legal claim. It is not clear what claims) they contend entitle them to the "extraordinary and drastic" relief of a TRO. Four Seasons, 320 F.3d at 1210. Nor have Plaintiffs explained what injunctive relief they are seeking, or the irreparable injury they will suffer if an injunction is not granted. Additionally, the Court notes that numerous named Defendants do not appear to have been served with process in this case. To the extent Plaintiffs are seeking ex parte relief from those Defendants, Plaintiffs have not argued, let alone "clearly" demonstrated, circumstances such that "immediate and irreparable injury, loss, or damage will result to [Plaintiffs] before [Defendants] can be heard in opposition." EED. R. CIV. P. 65(b)(1). Additionally, Plaintiffs do not argue (let alone show) a sufficient reason for not affording those Defendants notice of the motion and an opportunity to respond. Accordingly, Plaintiffs' Second Motion for TRO is DENIED.

Plaintiffs' Third Motion for TRO fares no better. The motion is 448 pages in length, single-spaced, and contains verbatim repetitions of sections from Plaintiffs' initial Motion for TRO, the original Complaint, and from the complaints filed in the previous lawsuits. See Pls.' Third Mot. for TRO. As with the original Complaint and the initial Motion for TRO, Plaintiffs' Third Motion for TRO consists

of disjointed allegations that appear to be related to some conspiracy to harm Plaintiffs and their family, interspersed with cut-and-pasted legal citations and definitions that do not appear to have any cohesion or relevance to the motion for preliminary injunctive relief. Id. Contrary to Plaintiffs' conclusory assertions, it is not clear what relief Plaintiffs are seeking in their Third Motion for TRO. Id. at 115, 236 ("The Plaintiff was absolutely right after all, The Defendants arrogantly conspired and actually executed all crimes The Plaintiff is seeking relief for. It's blatantly clear that All of The Defendants are all guilty of what The Plaintiff is seeking relief for."). While it is unclear what injunctive relief Plaintiffs are seeking, it is clear that ltheir Third Motion for TRO fails as a matter of a law. See Watson v. Broward Cnty. Sheriff's Off., 808 F. App'x 891, 894 (11th Cir, 2020) affirming district court's dismissal of the plaintiff's complaint as "baseless" because the plaintiff "offered only conclusory statements regarding 'fanciful,' "fantastic,' and ·delusional' scenarios wherein the judges, state attorneys, public defenders, and law enforcement of Broward County and Miami-Dade County conspired to arrest and prosecute him based on fabricated charges"). Plaintiffs have not argued or demonstrated that they are substantially likely to succeed on the merits of any valid legal claim. Nor have they explained what injunctive relief they are seeking, or that they will suffer irreparable injury if an injunction is not granted. Additionally, to the extent they are seeking ex parte relief under Federal Rule of Civil Procedure 65(b), Plaintiffs have not demonstrated specific facts that clearly show that immediate and irreparable injury will result before Defendants can be heard in opposition. Additionally, Plaintiffs do not argue (let alone show) a sufficient reason for not affording Defendants notice of the motion and an opportunity to respond. Accordingly, Plaintiffs' Third Motion for TRO is DENIED.

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AMENDED COMPLAINTS

A. Initial Complaint

This Court's May 28, 2024, Order found that Plaintiffs' initial Complaint was subject to dismissal as a shotgun pleading.? May 28 Order at 18-24. The Court noted that the original Complaint did separately list any cause of action or claim for relief, making it impossible for the Court and Defendants to ascertain what claims Plaintiffs are asserting in this case. Id. at 21. Instead of separately listing any cause of action, the Complaint included the following list of federal criminal and civil statutes as well as state law causes of action:
28 U.S.C. Part VI, Chapter 171 and 28 U.S.C. § 1346, Civil Rights Lawsuit: Text of Section 1983, Personal Injury (Sec. 95. 11 (3) (a) &
(0)., Claims Against State & Local Governments (Sec. 768. 28(6)., No Cap On Pain and Suffering (Sec. 768.28(5)., 768 . 73 Punitive Damages, 18 U.S. Code§ 1964 Civil Remedies, Civil Rights Act Of 1964, Official Misconduct under Florida Statute 838. 022, Statute § 838. 014(4), Elorida Statute § 838. 014(5), 768. 31 Contribution

2 As explained in Weiland v. Palm Beach County Sheriff's Office, the term "shotgun pleading" refers to pleadings "calculated to confuse the 'enemy,' and the court, so that theories for relief not provided by law and which can prejudice an opponent's case can be masked[.]" 792 F.3d 1313, 1320-23 (11th Cir. 2015) (Identifying four types of shotgun pleadings: pleadings that (1) contain multiple counts where each count adopts the allegations of all preceding counts; (2) are

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"replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action"; (3) do not separate each cause of action or claim for relief into separate counts; and (4) assert multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions).

Among Tortfeasors, Florida Statute 768.0755, 18 U.S. Code § 2261A-Stalking, U.S. Code§ 2332a - Use of weapons of mass destruction, Title 18, U.S.C., Section 241 Conspiracy Against Rights, Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law, 784.011 Assault, 18 U.S. Code § 1505 - Obstruction of proceedings before departments, agencies, and committees, 42 U.S. Code § 3617 – Interference, coercion, or intimidation, 18 U.S. Codes
1512 - Tampering with a witness, victim, or an informant, Obstruction of Justice: Witness Tampering (18 U.S.C. 8§ 1512, 1503), 18 U.S.
Code§ 2441 - War crimes: intentional attacks against civilians; torture; unlawful confinement; 18 U.S. Code § 1038. False information and hoaxes, Medical Battery, Assault, Battery, Negligence, Fraudulent Concealment, The State Created Danger, Racial Discrimination, Retaliatory Discrimination, Religious Discrimination, Theft, Attempted Murder, Attempted Kidnappings, Attempted assassinations, Human Trafficking/Involuntary Servitude/Slavery, Future Medical Expenses, Household Services (In Home Services), Loss of Consortium, Loss of Enjoyment of Life, Loss of Society and Companionship , Lost Wages, Medical Expenses, Mental Anguish, Pain and Suffering, Special Damages, Lost Some Earning Capacity, Disfigurement, Loss of Affection, Intentional Tort, Invasion of Privacy, Intentional Infliction of Emotional Distress, Slander, Libel, Defamation, Personal Property

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Damage, Breach of Duty too [sic use Caution and Care, Constitutional torts, Conspiracy, Invasion of Privacy, and Other Charges.

Id. at 4-5 (quoting Compl. at 2, 143, and noting that the identical list of statutes and causes of action was included in all of the previous lawsuits).

In addition to failing to separately list any valid cause of action, the Court found that the factual basis of Plaintiffs' lawsuit was unclear:

Far from "a short and plain statement of the grounds for the court's jurisdiction," and "a short and plain statement of the claim showing that the pleader is entitled to relief," see FED R. CIv.P. 8(a), Plaintiff[s have] submitted a long and disjointed screed of alleged factual assertions intermixed with cut-and-pasted legal concepts that is difficult to follow.

***

Plaintiff[s'] Complaint is comprised of disjointed factual allegations coupled with myriad cut-and-pasted legal citations that make little sense and leave the Court (and Defendants, as evidenced by the eleven motions to dismiss that have Been filed each arguing for dismissal of the Complaint as a shotgun pleading) guessing as to what claims) [they are] asserting and making it impossible to discern what factual allegations might support any claim. To the extent Plaintiff[s'] Complaint includes allegations against any particular Defendant, they are general and conclusory allegations including large amounts of superfluous information, "most of which [is] immaterial to most of the claims for relief." Johnson Enters. of Jacksonville, Inc. v. FPL Grp.. Inc., 162 F.3d 1290. 1333 (11th Cir. 1998).

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Id. at 5, 21. Based on these fatal flaws, the Court directed Plaintiffs to file an amended complaint within twenty-one (21) days and explained that

[a]ny amended complaint must comply with the following directions:

(1) address all the shortcomings noted in this Order;

(2) comply with the pleading requirements of the Federal Rules of Civil Procedure;

(3) include a factual background section setting forth in specific numbered paragraphs, non-conclusory factual allegations which directly pertain to his case, are not legal conclusions, and suggest support for the required elements of any claims asserted against the particular defendant;

(4) identify each of her legal causes of action against each defendant based on separate occurrences in separate counts of the amended complaint, each with its own heading identifying it as a count, and including the specific legal authority under which she seeks relief; and

(5) identify by reference which specific factual allegations and acts by the particular Defendant that support each cause of action within each count of Plaintiff's amended complaint.

Id. at 24. The Order emphasized that the failure to file an amended complaint "IN ACCORDANCE WITH THIS ORDER WILL RESULT IN DISMISSAL OF PLAINTIFF'S COMPLAINT." Id. at 24-25.

B. Plaintiffs' Amended Complaints

Plaintiffs filed two amended complaints on June 21, 2024. Am. Compl.

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[Doc. 82); Am. Compl. [Doc. 84]3 However, neither pleading complies with this Court's May 28 Order. The Amended Complaints are 454 and 605 pages in length, respectively, single-spaced, and contain verbatim cut-and-pasted sections from Plaintiffs' original Complaint and from the complaints filed in the previous

3 Apart from being much longer, the two Amended Complaints are substantively the same as the original Complaint, consisting of the same cut-and-pasted repetitious passages. For example, all of the passages quoted in this Court's May 28 Order, are also included in the Amended Complaints, sometimes multiple times. Because they are substantively similar and present no meaningful difference in terms of the analysis of whether they comply with this Court's May 28 Order, the Court will refer to both of the documents collectively as the Amended Complaints. lawsuits. The same issues identified with Plaintiffs' initial Complaint persist with the Amended Complaints.

As with the original Complaint, the Amended Complaints consist of fanciful, disjointed, conclusory, and largely incomprehensible allegations that appear to be related to the same conspiracy to harm Plaintiffs and their family that is the subject of her previous lawsuits. Id. The Amended Complaints also contain voluminous repetitive cut-and-pasted legal citations and definitions that have no apparent relevance to the case. Id. The Amended Complaints do not attempt to address the flaws noted in the May 28 Order and, instead, repeat them verbatim. Specifically, neither Amended Complaint contains a separate factual background section with numbered paragraphs including non-conclusory factual allegations. Nor do Plaintiffs identify or specifically enumerate any cause of action in separate

counts in either pleading. Both of these flaws violate Federal Rules of Civil Procedure 8(a)(2) and 10(b). Because the alleged facts are incomprehensible and Plaintiffs fail to specifically enumerate any cause of action indicating which Defendant is associated with which particular conduct, it is impossible for the Court or Defendants to discern what they are being charged with.
Plaintiffs' Amended Complaints are characteristic of three types of shotgun pleadings that the Eleventh Circuit have found to be improper; they (1) are "guilty of the venial sin of being replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action," (2) do "not separate[e] into a different count each cause of action or claim for relief," and (3) "assert[] multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against." Weiland, 792 F.3d at 1322. "The unifying characteristic of all types of shotgun pleadings," including Plaintiffs' Amended Complaints in this case, "is that they fail to one degree or another, and in one way or another, to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests." Id.

Because Plaintiffs' Amended Complaints are shotgun pleadings in violation of Rules 8(a)(2) and 10(b) of the Federal Rules of Civil Procedure, they are subject to dismissal. See Barmapov v. Amuial, 986 F.3d 1321, 1325 (11th Cir. 2021) (affirming the dismissal of a shotgun pleading that was replete with conclusory, vague, and immaterial allegations, was a "a rambling, dizzying array of nearly incomprehensible pleading."); Vibe Micro, Inc. v. Shabanets, 878 F.3d 1291, 1294 (11th Cir. 2018) (affirming the dismissal of a complaint on shotgun pleading

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grounds that consisted of "innumerable pages of rambling irrelevancies, making no distinction between the defendants engaged in the various alleged acts."); Magluta, 256 F.3d at 1284 (finding that a complaint was a quintessential shotgun pleading where it was "replete with allegations that 'the defendants' engaged in certain conduct, making no distinction among the fourteen defendants charged."); Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1359 n.9 (11th Cir. 1997) (finding that a complaint was a shotgun pleading where "a reader of the complaint must speculate as to which factual allegations pertain to which count."); Cramer v. Florida, 117 F.3d 1258, 1261 (11th Cir. 1997) (finding a complaint to be a shotgun pleading where it is so disorganized and ambiguous that it is almost impossible to discern precisely what it is that these appellants are claiming."); Cesnik v. Edgewood Baptist Church, 88 F.3d 902. 905 (11th Cir. 1996) (characterizing a complaint as a shotgun pleading where is "was framed in complete disregard of the principle that separate, discrete causes of action should be plead in separate counts."); Anderson v. Dist. Bd. of Trustees of Cent. Florida Cmty. Coll., 77 F.3d 364. 366 (11th Cir. 1996) (finding the complaint to be a "perfect example" of a shotgun pleading where it was "virtually impossible to know which allegations of fact are intended to support which claims) for relief," and it failed to "present each claim for relief in a separate count, as required by Rule 10(b)"). Accordingly, Defendants' Motions to Dismiss on this ground are GRANTED. Additionally, because the entire Amended Complaints are subject to dismissal as shotgun pleadings and for failure to comply with this Court's May 28 Order, the case is dismissed as to all Defendants. See Barmapov, 986 F.3d at 1326 (affirming the trial court's dismissal of entire lawsuit against all defendants, some of whom moved to dismiss on shotgun pleading grounds and others who did not).

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Furthermore, because Plaintiffs have failed to comply with this Court's May 28 Order, by repeating verbatim the allegations from the original Complaint without any attempt to remedy the shotgun pleading flaws, this case is subject to dismissal with prejudice. A district court has discretion to dismiss an action sua sponte for failure to prosecute or failure to obey a court order. Goodison v. Washington Mut. Bank, 232 F. App'× 922. 922-23 (11th Cir. 2007) (citing FED. R.

Civ. P. 41(b)). The legal standard to be applied under Rule 41(b) is whether there is a clear record of delay or willful contempt and a finding that lesser sanctions would not suffice. Dismissal of a case with prejudice is considered a sanction of last resort, applicable only in extreme circumstances.

Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985) (citations and quotations omitted).

Plaintiffs were instructed to replead their Complaint in accordance with specific direction from the Court to address the numerous flaws in the original Complaint. Instead of complying with the clear direction of the Court, Plaintiffs filed two Amended Complaints, each containing hundreds of pages more than the original Complaint and consisting of identical incomprehensible screed rife with the same issues previously identified by the Court.* Because Plaintiffs made "no meaningful attempt to comply" with this Court's orders despite being given an opportunity to file an amended complaint, and because this is not the first shotgun pleading Robinson has filed, dismissal with prejudice is warranted. Goodison, 232 E. App'& at 923 (affirming the dismissal of the pro se complaint with prejudice on

shotgun pleadings grounds); see also Barmapov v. Amuial, 986 F.3d 1321. 1326 (11th Cir. 2021) (holding that the district Court did not abuse its discretion when it dismissed the case with prejudice after the plaintiff was given a chance to replead); Vibe Micro, Inc. v. Shabanets, 878 F.3d 1291, 1296 (11th Cir. 2018) (affirming the dismissal of shotgun pleading with prejudice where litigant was given chance to replead;) McDonough v. City of Homestead, 771 F. App'x 952, 956 (11th Cir. 2019) (quoting Jackson v. Bank of Am., N.A., 898 F.3d 1348. 1359 (11h Cir. 2018) (affirming the district court's dismissal with prejudice without providing the

4 The Court notes that this case is not the first time Plaintiffs were put on notice about the consequences of filing shotgun pleadings. See Robinson v. The United See Robinson v. The United States of America, et al., No. 1:23-CV-43-MHC. plaintiff a second opportunity to amend because the plaintiff had previously filed a similar lawsuit and was put on notice of the deficiencies in his filings).

III. CONCLUSION

For the foregoing reasons, it is hereby ORDERED that Plaintiffs' Motions for temporary restraining orders [Docs. 81 & 83] are DENIED.
It is further ORDERED that the Notices of Hearing [Docs. 49-53, 67, 71-75], in which Plaintiffs appear to request public hearings on matters pending before the Court, are DENIED AS MOOT. 5

It is further ORDERED that the motions to dismiss filed by the following Defendants: Florida Atlantic University ("FAU") [Doc. 221, Mariana Danet, M.D.

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("Danet") [Doc. 24], Yoel A. Hernandez-Rodriguez, MD ("Hernandez-Rodriguez') [Doc. 25], South Broward Hospital District, d/b/a Memorial Healthcare System ("MHS") [Doc, 261, Apple Inc. ("Apple") [Doc. 33], Brittney Mason ("Mason") [Doc, 371, Amgen Inc. ("Amgen") [Doc. 381, AT&T Inc. [Doc. 431, BlackRock Inc. ("BlackRock") [Doc, 55], Enterprise Holdings, Inc.

5 The Court's Standing Order specifies that, if a party wishes to have an oral argument on a motion, it must "specify the particular reasons argument may be helpful" and "what issues will be the focus of the proposed argument." Standing Order [Doc. 5] at 16. Here, Plaintiffs have failed to give any reason why oral argument would be necessary. Additionally, the matters before the Court are not overly complicated such that oral argument would be beneficial.

("Enterprise") [Doc, 571,5 and T-Mobile USA, Inc. ("T-Mobile") [Doc. 60]
Are GRANTED Plaintiffs' case is DISMISSED WITH PREJUDICE.

The Clerk is DIRECTED to close this case.
IT IS SO ORDERED this 8th day of July, 2024.
MauR M. Coter
MARK H. COHEN
United States District Judge

6 Plaintiff also names Enterprise Rent-A-Car, Inc., but no such entity exists. Id.

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

JULIA M. ROBINSON

Plaintiffs,

V.

THE UNITED STATES OF AMERICA et al.,

Defendants.

CIVIL ACTION ORDER FILED 05/28/2024

CASE NO. 1:23-CV-5655-MHC

This case comes before the Court on Plaintiff's Emergency Petition for Temporary Restraining Order ("Mot. for TRO") [Doc. 77] and her request to file electronically [Doc, 32]. Also pending before the Court are the motions to dismiss filed by the following Defendants: Florida Atlantic University ("FAU") [Doc. 22], Mariana Danet, M.D. ("Danet" [Doc. 24], Yoel A. Hernandez-Rodriguez, MD ("Hernandez-Rodriguez" [Doc. 25], South Broward Hospital District, d/b/a Memorial Healthcare System ("MHS") [Doc. 261, Apple Inc. ("Apple) [Doc. 331, Brittney Mason ("Mason") (Doc. 371, Amgen Inc. ("Amgen") Doc. 381, AT&T Inc. [Doc. 43], BlackRock Inc. ("BlackRock") (Doc. 55], Enterprise Holdings, Inc.

("Enterprise") [Doc, 57],' and T-Mobile USA, Inc. ("T-Mobile") [Doc. 60].
Motions to stay pretrial deadlines pending adjudication of the motions to dismiss have also been filed by the following Defendants: Apple [Doc. 65], Amgen [Doc. 691, Enterprise [Doc. 70], and MHS [Doc. 72].

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Additionally, Plaintiff has filed multiple Notices of Hearing [Docs. 49-53, 67, 71-75] in which she appears to request public hearings on matters pending before the Court.

I.BACKGROUND

The above-styled Complaint purports to be a case brought pursuant to the 42 U.S.C. § 1983, seeking $500,000,000.00 in damages. See Compl. [Doc. 3] at 3-5, 10; Civil Cover Sheet [Doc. 3-1] (indicating that the "42 U.S. Code § 1983 -Civil action for deprivation of rights" is the "cause of action")3 Plaintiff alleges her

1 Plaintiff also names Enterprise Rent-A-Car, Inc., but no such entity exists. Id.

2 Because this case is before the Court on multiple motions to dismiss, the facts Are presented as alleged in Plaintiff's Complaint. See Silberman v. Miami Dade Transit, 927 F.3d 1123. 1128 (11th Cir. 2019) (citation omitted).

3 Plaintiff filed substantially similar lawsuits in 2022 and 2023 (collectively, the "previous lawsuits"), which she acknowledges are similar to this case: Robinson v. Choice Hotels Int'1 Serv. Corp. Serv. Co., No. 1:22-CV-3080-MHC, 2023 WL 3627861 (N.D. Ga. Apr. 13, 2023), aff d sub nom., Robinson v. City of Hollywood Police Dep't, 23-11733, 2024 WL 983926 (11th Cir. Mar. 7, 2024) ("3080 case"); Robinson v. The United States of America, et al., No. 1:23-CV-0043-MHC (*0043 case"); Robinson v. United States, No. 1:23-CV-1161-MHC, 2023 WL 8351618, at constitutional rights under the First, Fourth, Fifth, Sixth, Eighth and Fourteenth

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Amendments were violated. Compl. at 10-13, 15, 17, 19-20, 71, 80, 82-83, 134. Additionally, it appears as though Plaintiff is asserting claims for alleged constitutional violations against multiple federal officials under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388, 396 (1971). Id. at 3-4 (listing a Bivens claim as a "Basis for Jurisdiction"; see also id. at 10-12, 16, 79.4 However, Plaintiff does not include any factual allegations explaining how her constitutional rights were violated. See generally, Compl. Moreover, although she lists 42 U.S.C. § 1983 as her cause of action and indicates that a Bivens claim is a basis for subject matter jurisdiction in this case, Plaintiff's

*2 (N.D. Ga. Sept. 7, 2023) ("1161 case"). See Compl. at 71 ("This case is also related to The Plaintiff's other Civil Case No: 1:22-CV-3080-MHC and Civil Case No: 1:23-CV-0043-MHC that was filed in the Northern District of Georgia Federal Court."); id. at 26-27, 29, 72, 90-92, 134-35 (referencing previous lawsuits). All three previous lawsuits were dismissed; the 3080 and 1161 cases were dismissed after Plaintiff failed to serve defendants in accordance with the Federal Rules of Civil Procedure and the 0043 case was dismissed after Plaintiff failed to amend her complaint and follow a Court Order.

4 The Court notes that, to the extent Plaintiff is suing federal government officials in this case, she is doing so in their official capacities. Id. at 2-3, 7-8. "Bivens claims can be brought against federal officers in their individual capacities only; they do not apply to federal officers acting in their official capacities." Thibeaux v. U.S. Atty. Gen., 275 F. App'* 889, 892 (11th Cir. 2008) (citing Corr. Servs. Corp. v. Malesko, 534 U.S. 61, 70-72 (2001)).

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Complaint includes a litany of other federal criminal and civil statutes as well as state law causes of action that she is presumably asserting as part of her case:

28 U.S.C. Part VI, Chapter 171 and 28 U.S.C. § 1346, Civil Rights Lawsuit: Text of Section 1983, Personal Injury (Sec. 95. 11 (3) (a) &
(0)., Claims Against State & Local Governments (Sec. 768. 28)., No Cap On Pain and Suffering (Sec. 768.28(5)., 768 . 73 Punitive Damages, 18 U.S. Code§ 1964 Civil Remedies, Civil Rights Act Of 1964, Official Misconduct under Florida Statute 838. 022, Statute § 838. 014(4), Florida Statute § 838. 014(5), 768. 31 Contribution Among Tortfeasors, Florida Statute 768.0755, 18 U.S. Code § 2261A-Stalking, U.S. Code§ 2332a - Use of weapons of mass destruction, Title 18, U.S.C., Section 241 Conspiracy Against Rights, Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law, 784.011 Assault, 18 U.S. Code § 1505 - Obstruction of proceedings before departments, agencies, and committees, 42 U.S. Code §

• 3617 - Interference, coercion, or intimidation, 18 U.S. Code§ 1512 - Tampering with a witness, victim, or an informant, Obstruction of Justice: Witness Tampering (18 U.S.C. 88 1512, 1503), 18 U.S.
Code§ 2441 - War crimes: intentional attacks against civilians; torture; unlawful confinement; 18 U.S. Code § 1038.

False information and hoaxes, Medical Battery, Assault, Battery, Negligence, Fraudulent Concealment, The State Created Danger, Racial Discrimination, Retaliatory Discrimination, Religious Discrimination, Theft, Attempted Murder, Attempted Kidnappings, Attempted assassinations,
Human Trafficking/Involuntary

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Servitude/Slavery, Future Medical Expenses, Household Services (In Home Services), Loss of Consortium, Loss of Enjoyment of Life, Loss of Society and Companionship, Lost Wages, Medical Expenses, Mental Anguish, Pain and Suffering, Special Damages, Lost Some Earning Capacity, Disfigurement, Loss of Affection, Intentional Tort, Invasion of Privacy, Intentional Infliction of Emotional Distress, Slander, Libel, Defamation, Personal Property Damage, Breach of Duty too [sic] use Caution and Care, Constitutional torts, Conspiracy, Invasion of Privacy, and Other Charges.

Compl. At 2, 143, 5

Plaintiff's Complaint consists of a six-page form document along with a 142-page single-spaced attachment. See generally id. Plaintiff does not separately list any cause of action or claim for relief in the attachment that makes up the gravamen of her Complaint, making it difficult to ascertain what claims she is bringing in this case. The factual basis of her lawsuit is equally unclear. Far from "a short and plain statement of the grounds for the court's jurisdiction," and "a short and plain statement of the claim showing that the pleader is entitled to relief," see FED R. CIV. P. 8(a), Plaintiff has submitted a long and disjointed screed of alleged factual assertions intermixed with cut-and-pasted legal concepts that is difficult to follow. See generally Compl. To the extent the Court can discern anything, it appears that the complaint arises out of an incident she alleges she witnessed on July 8, 2019:

[T]he Plaintiff witnessed other rogue U.S. Government Employees in prior criminal

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cases against her family (Kristian J Hall) blatantly violate her families [sic] Constitutional Rights and break several laws in The State of Florida. The Plaintiff did proper internal affairs investigation complaints, sworn statement's [sic], and complaints with several U.S.
Government Departments about what she saw and heard literally right in front of her performed with so much arrogance coupled with

5 A nearly identical list of statutes and causes of action is included in all of Plaintiff's previous cases. authoritarianism so effortlessly by these rogue U.S. Government Employees. Compl. at 20, 28, 57, 71, 83-84, 91, 121, 134.6 As with the Previous cases, Plaintiff does not elaborate on what she saw on July 8, 2019, what the "criminal cases against her family" involve or involved, or how any constitutional rights or laws were violated.

The crux of Plaintiff's Complaint appears to be some sort of conspiracy between the same unidentified "rogue U.S. Government Employees" referenced in the previous cases and various medical professionals Plaintiff has encountered "to keep The Plaintiff sick so that The Plaintiff could be kept physically vulnerable
hoping that The Plaintiff would forget about the attacks by U.S. Government Employees and private companies and so that The Plaintiff wouldn't pursue civil remedies." Id. at 25, 88.

These doctors wrote false medical notes to purposely make The Plaintiff appear as if she was incompetent, as if she had a drug problem, as if she was dying from Parkinson[']s Disease, and like her daughter and herself wouldn't remember any of

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these war crimes so they were willing to arrogantly/narcissistically commit them unfortunately, anyways out of retaliation, for political gain, for financial gain, and just to be wannabe evil controlling slave master beings because The
This vague allegation appears in all three previous cases. See, e.g., 3080 case (Alleging a vast conspiracy by "rogue U.S. Government Employees" including alleged acts of retaliation and intimidation based on Plaintiff's act of witnessing something on July 8, 2019).

Plaintiff didn't allow The Defendants to break the law in front of her.
The Defendants clearly assumed that they were legally untouchable because of them being Medical professionals, legal professionals, U.S. Government Federal Employees, Jane Does, John Does, and Private Companies Co-Conspirators/ U.S. Government Affiliates and The Plaintiff being a Black American ex-exotic dancer by their blatantly disregard for The Constitution they assumed that she would never have her cases brought to court after years of her being oppressed in the form of attacks, and that The American Public would never know what happened to her and her daughter. These evil civil rights abuses are a clear example of what patient abuse is, It's clear and present that The Plaintiff and her family all have been negatively affected by these war crimes,
group initiations, attacks, attempted assassinations,
constitutional violations, violence against women, racism, medical battery, medical racism, illegal non- consensual clinical human research experimentation, civil rights violations, jealous obsession with a stranger whom will never be in a relationship with them, sadistic games, and retaliation attacks because The Plaintiff didn't allow The Defendants to break the law in front of her.

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Id. at 48, 111; see also id. at 24, 88 (alleging that her visit with her OBGYN, Mason in 2020 "was a perfect time for all of The Defendants involved in prior cases to commit/retaliate against The Plaintiff while she was physically vulnerable/pregnant.").

Specifically, as it relates to Mason,' Plaintiff alleges that when Plaintiff saw her at her office at Jackson Memorial Hospital in Miami, Florida, the following incident occurred:

7 Plaintiff alleges that there are three "other" Brittany Masons who have unlawfully used Plaintiff or her family or their medical records for medical research or human experimentation; one at the Mayo Clinic, another Brittany L Mason who works for [Mason-Hirner] kept asking how was [Plaintiff] feeling mentally and The Plaintiff always told her she wasn't qualified to ask her those questions and that when she got ready to she would reach out to someone qualified whom she felt comfortable speaking to about a lot of the trauma she experienced during those previous attacks by U.S. Government Employees and Private Company affiliates. This unethical racist doctor kept trying to get The Plaintiff to talk about it like she was trying to catch her in a lie or like she was recording The Plaintiff. This doctor wanted to keep The Plaintiff sick so that The Plaintiff could be kept physically vulnerable hoping that The Plaintiff would forget about the attacks by U.S. Government Employees and private companies and so that The Plaintiff wouldn't pursue civil remedies. This doctor didn't care about how a parasitic infection could have life threatening effects on The Plaintiff's unborn child at that time. This doctor knew The Plaintiff had a parasitic infection that's why she kept asking

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The Plaintiff about how was she feeling mentally (Parasitic infections can have negative neurological affects [sic] on humans per references in this complaint under parasites, it gave me headaches as well as other symtoms [sic] which I told her I had) even though this doctor knew that topic was out of her medical scope. She didn't prescribe any antibiotics even after The Plaintiff asked, The doctor herself also confirmed that The Plaintiff would have to take antibiotics for a while to heal. This doctor was willing to put The Plaintiff's unborn child and herself at medical risk for what? What was in it for her to keep The Plaintiff sick? Money for her and all of The Defendants involved. The Plaintiff's Black African American unborn daughter and herself was just another poor black illegal and unethical case study for her and all of The Defendants involved in these crimes committed against The Plaintiffs on American soil in the State of Florida as if The Plaintiffs didn't have rights as Americans. That's why The Defendants Kept the Black African American patient sick for illegal research purposes, They figured No one cares about black Americans anyways. All of the mega slick Defendants that profited financially off of these illegal research

University of Texas Southwestern Medical Center, and another Brittany Mason-Mah who works for The NIH U.S. Government Federal Department. Id. at 27, 31-32, 34, 36, 90, 94-95, 97, 99. human trafficking crimes committed against The Plaintiffs without her consent in The State of Florida will be prosecuted for their assaults and or any involvement in on these crimes by The Plaintiffs. ... The Plaintiffs are being PIMPED OUT/HUMAN TRAFFICKED FOR SCIENCE BY WHITE RACIST U.S. GOVERNMENT FEDERAL EMPLOYEES ALONG WITH CRIMINAL PRIVATE CORPORATIONS ASSISTANCE. THIS IS SLAVERY. The

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Defendants demonic plan failed, the devil is and always was the biggest liar and The Plaintiffs will continue to rebuke all demonic entities involved in Jesus Christ Name Sake.

Id. at 25-26, 88-89. Plaintiff alleges that Mason's goal was to induce an] artificial aggression and hyperactivity from The Plaintiff so that she could be Baker Acted for the All of The Defendants and Private Companies involved so that The Plaintiff's baby could be taken away by DCF and so that The Plaintiff could possibly be raped, threaten, intimidated, for them to continue ILLEGAL NON-CONSENSUAL UNETHICAL WITHOUT INFORMED CONSENT/WITHOUT CONSENT HUMAN EXPERIMENTATION CLINICAL TRIAL TESTING/RESEARCH (on The Plaintiff and her baby), and for The Plaintiff to be Possibly Murdered.

1d. at 44, 107.

As it relates to Danet, Plaintiff alleges that Danet performed a psychiatric evaluation of Plaintiff without her consent shortly after Plaintiff gave birth and "wrote false notes" on Plaintiff's medical records. Id. at 43, 106. As it relates to Hernandez-Rodriguez, Plaintiff alleges that he wrote false notes in her medical records that indicated that she was prescribed opioids from September 27, 2014, through November 25, 2020, which was "obviously a political favor to make The Plaintiff appear as if she had a substance abuse issue." Id. at 46, 109. Plaintiff alleges that this is not accurate as she was never a patient of Hernandez-Rodriguez.

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Id.

Plaintiff also alleges that the medical professional defendants have caused her to be subjected to unlawful medical testing:

Since OBGYN Dr. Brittney Mason-Hirner and the lab invovled [sic] lied on The Plaintiff's medical documents by stating she tested positive for Gaucher's disease through false genetic test under U.S. Brain Initiative clinical research through The National Institute of Neurological Disorders and Stroke (NINOS) and by doctor Yoel A Hernandez Rodriguez at Memorial Hospital Miramar Fl stating in The Plaintiff's medical records from this hospital that he's been prescribing her Amphetamine and Oxycodone since (9/27/2014) September 27, 2014 until (11/25/2020) November 25, 2020 (WHICH IS A LIE, THE PLAINTIFF HAS NEVER BEEN TO THIS DOCTOR TO BE HIS PATIENT FOR HIM TO PRESCRIBE HER ANYTHING) which subjected The Plaintiff illegally to the U. S. Brain Initiative clinical research through The National Institute on Drug Abuse (NIDA) The Defendants Illegally obtain an Emergency Use of Investigational Drugs or Devices expemtion [sic].... There was NEVER a LEGAL reason for The Plaintiff|']s daughter and herself to Be placed in The U.S. Brain Initiative Research Program, a Private Research Program, an] International Research Program, or any research program. This had everything to do with The Plaintiff[']s skin color.

Id. at 39, 109. More specifically, Plaintiff alleges

that [the Defendants and Private Billion Dollar Corporations STOLE and

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FALSIFIED The Plaintiff [']s private medical information to illegally fit medical research exemptions to say that The Plaintiff has one (1) or more of these debilitating diseases such as Parkinson's Disease, Dementia, Gaucher's Disease, Alzheimer's Disease, and Or any Drug Abuse problem that The Plaintiff doesn't have/never had during The Pandemic while they all arrogantly assumed that they were so SLICK and Black Americans weren't paying attention. The Mayo Clinic launched Apple Health Records Integration on iPhone and The Plaintiff's device is illegally recording health record data in the background and she never consented to any Health Apps. Her iPhone isn't private at all, and random Human Trafficking U.S. Government Employees from different U.S. Government Agencies, Computer Developer Companies, Tech Companies, and Health Researchers are able, have, and is [sic] continuing to upload Apps illegally and against The Plaintiff's constitutional rights in The Plaintiff's iPhone Background that she pays for without her consent. The Plaintiff is an A rtist and isn't able to attend to her work through th is device because she's afraid her ideas are going to be stolen. The Plaintiff also has a small child, and she wasn't able to capture a lot of sentimental moments of her daughters development in fear of them being exposed to random Human Traffickers. When The Plaintiff and her family tried on several occasions to go in person to get new devices, they were not assisted by store staff and they were told they couldn't be assisted The Criminals behind this iPhone that was sent to The Plaintiff idea was to make The Plaintiff appear as if she wasn't competent and was abusing drugs. These botched federal out of retaliation war crimes that were committed against The Plaintiff and her family, so that criminals could get grants, federal/billionaire private corporations informant monies, contracts off of The Plaintiff's iPhone being listed and used for Medical Research pur poses wit hout the

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Plaintiff's consent. This falls under involuntary servitude/ SLAVERY/Human trafficking.

***

The Plaintiff and her family at their private residences, in their private vehicles, and on their electronic devices were illegally and unconstitutionally exposed to extremely dangerous high levels of radiation military weapons testing that is unfortunately done to psychiatric patients for people that have anxiety, dementia, schizophrenia, depression, Gaucher's Disease, Parkinson's Disease, Alzheimer's Disease, and or Drug/Substance Abuse Disorders/ Problems that neither does The Plaintiff nor her family have and never had. This evidence proves the reason why The Plaintiff and her family was denied investigations, was hung up on over the phone, wasn't written back, was gasl it, was repeatedly assaulted, was poisoned, was harassed, was treated like SLAVES, was ignored by our Federal Agencies and Private Companies on American soil that are involved/ getting kick backs/pimping out The Plaintiff and her family/that was bribed in this illegal ongoing human trafficking/involuntary servitude clinical trials without The Plaintiff's and her family's consent STILL TIL THIS VERY DAY.

Id. at 27, 30, 36, 73, 90, 93, 99, 136-37; see also id. at 84 (alleging that the Defendants falsified lab results to medical trials and "directed and carried out a conspiracy to have private companies involved fraudulently pose as legitimate ethical practicing clinical research trial sites and provide of false clinical research trial data regarding drug safety/drug efficacy.").

In addition to the unlawful medical testing, Plaintiff alleges that "experimental surgeries" were performed on her and her daughter out of

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"retaliation" and "because The Plaintiff's [sic] are Black/African Americans." Id. at 12-13, 16-17, 48-49, 79-80, 112. Further, Plaintiff alleges that she and her family have been subject to "toxic chemicals/substances/gases/drugs in the form of powders/biochemical compounds/biochemical weapons/molds/and toxic chemicals placed in water inhaled and or absorbed in to the skin." Id. at 99.

The remainder of Plaintiff's Complaint is even more difficult to follow, more disjointed, repetitive, and replete with conclusory allegations, including the allegation that she and her family have been the subject of assassination attempts. See id. at 49, 65, 112, 128 ("The Plaintiff is a CEO and there have been several

assassination attempts on The Plaintiff and her families lives since doing complaints with all DEFENDANTS/U.S. Government Employee Departments involved."); see also id. at 50, 66, 129 (alleging that in February 2022, Plaintiff's domestic partner was eating at a restaurant and "a flesh eating bug (biochemical weapon) was strategically placed in his food (Assassination attempts), this pathogen ate out holes in his face within hours of leaving this restaurant.").8

Based on the foregoing, Plaintiff seeks $500,000,000.00 in damages, but does not clarify what sort of injunctive relief she is seeking. Id. at 5.

II. DISCUSSION

A. Plaintiff's Emergency Motion for Temporary Restraining Order Plaintiff's Motion

for TRO is 259 pages long and single-spaced, the first 156

pages of which largely appear to contain a verbatim repetition of sections from her

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Complaint and from the complaints filed in the previous cases. See Mot. for TRO at 1-156. The remaining 103 pages consist of cut-and-pasted legal citations and definitions that do not appear to have any cohesion or relevance to her present motion for preliminary injunctive relief. Id. at 157-259. As with her Complaint, Plaintiff's Motion for TRO consists of disjointed allegations that appear to be & The Court notes that all of the allegations recounted in pages 5-13, supra, Were included in all of Plaintiff's previous filings.
related to some conspiracy to harm her and her family, replete with cut-and-pasted legal definitions and devoid of factual assertions. While it is unclear what injunctive relief Plaintiff is seeking, it is clear that her Motion fails as a matter of a law.

In order to obtain a temporary restraining order or preliminary injunction, Plaintiff must demonstrate: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the injunction is not granted; (3) that the threatened injury to Plaintiff absent an injunction outweighs the damage to Defendant if an injunction is granted; and (4) that granting the injunction would not be adverse to the public interest. Four Seasons Hotels & Resorts, B.V. v. Consorcio Barr, S.A., 320 F.3d 1205, 1210(11th Cir. 2003); Morgan Stanley BW. Inc. v. Frisby, 163 F. Supp. 2d 1371, 1374 (N.D. Ga. 2001). A temporary restraining order is "an extraordinary and drastic remedy" and should be granted only when the movant clearly carries the burden of persuasion as to each of the four prerequisites. Four Seasons, 320 F.3d at 1210.

To the extent Plaintiff is seeking ex parte injunctive relief, a court may issue

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a temporary restraining order without notice to the adverse party or its attorney only if:

(A)specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

FED. R. CIv. P. 65(b)(1). "The stringent restrictions imposed by [Rule 65] on the availability of ex parte temporary restraining orders reflect the fact that our entire jurisprudence runs counter to the notion of court action taken before reasonable notice and an opportunity to be heard has been granted both sides of a dispute." Granny Goose Foods, Inc. v. Brotherhood. of Teamsters & Auto Truck Drivers Local No. 70 of Alameida Cnty., 415 U.S. 423, 438-39 (1974). To the extent they Are entered ex parte temporary restraining orders "should be restricted to serving their underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer." Id. at 439.

Although proceeding with an ex parte TRO as provided under Federal Rule of Civil Procedure 65(b) is permissible in some circumstances, Plaintiff has not shown that those circumstances are present in this case. Neither Plaintiff's Complaint nor her Motion for TRO demonstrate specific facts that clearly show that immediate and irreparable injury will result before Defendants can be heard in

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opposition. Additionally, Plaintiff does not argue (let alone show) a sufficient reason for not affording Defendants notice of the motion and an opportunity to respond.

Furthermore, insofar as Plaintiff seeks a preliminary injunction, the motion still fails. Plaintiff has not argued or demonstrated that she is substantially likely to succeed on the merits of any claim. Nor has she explained what injunctive relief she is seeking, or that she will suffer irreparable injury if an injunction is not granted. Accordingly, Plaintiff's Motion for TRO is DENIED.

B. Motions to Dismiss

Defendants' Motions to Dismiss each present various arguments as to why the above-styled action should be dismissed as to them. However, they all argue that Plaintiff's Complaint should be dismissed because it is a shotgun pleading, which is impermissible under the Federal Rules of Civil Procedure. See Br. in Supp. of FAU's Mot. to Dismiss [Doc. 22-1] at 8-9 (arguing that the Complaint is a shotgun pleading: "The Complaint is confusing, rambling, and any factual allegations are not connected to the elements of any cause of action. Even with all of the information presented, it is unclear as to what, if any, case or controversy exists for resolution."); Danet's Mem. in Supp. of Mot. to Dismiss [Doc. 24-1] at 2-3 (Incorporating by reference, inter alia, the shotgun pleading arguments raised by FAU and stating that the Complaint "contains a litany of repetitive verbiage

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without any coherent substance"); Hernandez-Rodriguez's Mot. to Dismiss Pl.'s Compl. [Doc. 25] at 4-6 (arguing that this Court should dismiss Plaintiff s Complaint with prejudice for "continu[ing] to consciously disregard the federal rules of civil procedures, the local rules and standing orders by filing shotgun pleadings against a myriad of defendants without properly illuminating the claims raised"); MHS's Mem. in Supp. of Mot. to Dismiss [Doc, 26-11 at 7-9 (arguing for dismissal on shotgun pleading grounds); Apple's Mot. to Dismiss (Doc. 33] at 3 (arguing that Plaintiff's Complaint is a "textbook shotgun pleading"); Mason's Br. in Supp. of Mot. to Dismiss [Doc. 37-1] at 8 (arguing that the Complaint "consists of more than 148 pages of incoherent rambling, replete with conspiracy theories and vague allegations not associated with any identifiable claim"); Amgen's Mot. to Dismiss [Doc. 38] at 3-4 (arguing that "[i]t is impossible to read the complaint and determine why Plaintiffs are entitled to relief against any party"); AT&T's Mot. to Dismiss [Doc. 43] at 5-6 (referencing the shotgun pleading arguments raised by Mason and arguing that this case should be dismissed without granting Plaintiff leave to amend); BlackRock's Mem. of Law in Supp. of Mot. to Dismiss [Doc. 55-1] at 5-6 (dubbing Plaintiff's Complaint a "quintessential shotgun pleading"); Enterprise's Mem. of Law in Supp. of Mot. to Dismiss [Doc. 57-1] at 17-18 (arguing that the Complaint does not give Enterprise "the fair notice of what is (or is not) alleged against it" and should be dismissed); T-Mobile's Mem. in Supp. of Mot. to Dismiss [Doc. 60-1] at 4-5 (arguing that Plaintiff's "scattershot allegations" constitute shotgun pleadings and "fail to put T-Mobile on adequate notice of Plaintiff's claims against T-Mobile").

1. Legal Standard

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Federal Rule of Civil Procedure 8(a)(2) requires that a pleading contain a "Short and plain statement of the claim showing that the pleader is entitled to Relief." Under Eederal Rule of Civil Procedure 12(b)((), a claim will be dismissed for failure to state a claim upon which relief can be granted if it does not plead "enough facts to state a claim to relief that is plausible on its face." Bell Atl. Corp. v. Twombly, 550 U.S. 544. 570 (2007). The Supreme Court has explained this standard as follows:

A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a "probability requirement," but it asks for more than a sheer possibility that a defendant has acted unlawfully.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (internal citation omitted). Thus, a claim will survive a motion to dismiss only if the factual allegations in the pleading are "enough to raise a right to relief above the speculative level." Twombly, 550 U.S. at 555.

At the motion to dismiss stage, the court accepts all well-pleaded facts in the Plaintiffs' Complaint as true, as well as all reasonable inferences drawn from those facts. McGinley v. Houston, 361 F.3d 1328, 1330 (11th Cir. 2004); Lotierzo v. Woman's World Med. Ctr., Inc., 278 F.3d 1180, 1182 (11th Cir. 2002). Not only must the court accept the well-pleaded allegations as true, but these allegations must also be construed in the light most favorable to the pleader. Powell v.

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Thomas, 643 F.3d 1300, 1302 (11th Cir. 2011). However, the court need not accept legal conclusions, nor must it accept as true legal conclusions couched as factual allegations. Iqbal, 556 U.S. at 678. Thus, evaluation of a motion to dismiss requires the court to assume the veracity of well-pleaded factual allegations and "determine whether they plausibly give rise to an entitlement to relief." Id. at 679.

2. Discussion

Plaintiff's Complaint is a shotgun pleading that does not separately list any cause of action and is "replete with factual allegations and rambling legal conclusions." Osahar v. U.S. Postal Serv., 297 F. App'x 863, 864 (11th Cir. 2008) (citing Strategic Income Fund, LLC v. Spear, Leeds & Kellogg Corp., 305 F.3d 1293, 1295 n.9 (11th Cir. 2002)). The Eleventh Circuit has routinely found that a shotgun pleading is the antithesis of the type of pleading required by Federal Rules of Civil Procedure: to wit, a "short and plain statement of the claim." FED. R. CIV. P. 8; Strategic Income Fund, 305 F.3d at 1295 n.9 (noting that the Eleventh Circuit "has addressed the topic of shotgun pleadings on numerous occasions... , often at great length and always with great dismay.").

The Eleventh Circuit has explained why shotgun pleadings are viewed with such disfavor:

[The aggregate negative effects of shotgun pleadings on trial courts have been noted with great concern by this court. See, e.g., Byrne, 261 E.3d at 1131 ("Shotgun pleadings, if tolerated, harm the court by impeding its ability to administer justice.

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The time a court spends managing litigation framed by shotgun pleadings should be devoted to other cases waiting to be heard."); Cramer v. Fla., 117 F.3d 1258, 1263 (11th Cir. 1997) (noting that "shotgun pleadings... exact an intolerable toll on the trial court's docket"; Ebrahimi v. City of Huntsville Bd. of Educ., 114 F.3d 162, 165 (11th Cir. 1997) (per curiam) ("Shotgun notice pleadings... impede the orderly, efficient, and economic disposition of disputes."); Anderson, 77 F.3d at 367 (noting the "Cumbersome task of sifting through myriad claims, many of which may be foreclosed by various defenses" that judges face in connection with shotgun pleading).

Strategic Income Fund, 305 F.3d at 1295 n.10. Consequently, the Eleventh Circuit has repeatedly condemned the use of shotgun pleadings for "imped[ing] the administration of the district courts' civil dockets in countless ways." PVC Windoors, Inc. v. Babbitbay Beach Constr., N. V., 598 F.3d 802, 806 n.4 (11th Cir 2010). Among other things, shotgun pleadings require courts to sift through rambling and often incomprehensible allegations in an attempt to separate the meritorious claims from the unmeritorious, resulting in a "massive waste of judicial and private resources." Id. "The Eleventh Circuit thus has established that shotgun pleading is an unacceptable form of establishing a claim for relief." Graham v. Mortg. Elec. Registration Sys., Inc., No. 2:11-CV-00253-RWS, 2012 WL 527665, at *1 (N.D. Ga. Feb: 17, 2012) (citing Strategic Income Fund, 305 F.3d at 1296).

Plaintiff's Complaint presents the precise problems the Eleventh Circuit has identified as being characteristic of shotgun pleadings; it "is in no sense the "short

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and plain statement of the claim' required by Rule 8 of the Federal Rules of Civil Procedure." Magluta, 256 F.3d at 1284 (citation omitted). Plaintiff's Complaint is Comprised of disjointed factual allegations coupled with myriad cut-and-pasted legal citations that make little sense and leave the Court (and Defendants, as evidenced by the eleven motions to dismiss that have been filed, each arguing for dismissal of the Complaint as a shotgun pleading) guessing as to what claims) she is asserting and making it impossible to discern what factual allegations might support any claim. To the extent Plaintiff's Complaint includes allegations against any particular Defendant, they are general and conclusory allegations including large amounts of superfluous information, "most of which [is] immaterial to most of the claims for relief." Johnson Enters. of Jacksonville, Inc. v. FPL Grp., Inc., 162 F.3d 1290. 1333 (11th Cir. 1998).

Due to the nature of the disjointed factual narrative, the myriad superfluous legal citations, and the fact that Plaintiff has not separately listed any cause of action, the Court is unable to discern a factual basis for any claim. As such, dismissal of Plaintiff's entire lawsuit as a shotgun pleading is warranted.

However, because Plaintiff is proceeding pro se, her "pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998). This leniency "does not give a court license to serve as de facto counsel for a party, or to rewrite an otherwise deficient pleading in order to sustain an action." Campbell v. Air Jam., Ltd., 760 F.3d 1165, 1169-70 (11th Cir. 2014) (citation omitted). Although pro se pleadings are governed by less stringent

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standards than pleadings prepared by attorneys, pro se parties are still required to comply with minimum pleading standards set forth in the Federal Rules of Civil Procedure. Dauphin v. McHugh, No. CV409-156, 2009 WL 3851906, at *1 (S.D. Ga. Nov. 16, 2009); see also Beckwith v. Bellsouth Telecomms., Inc., 146 E. App'x 368, 371 (11th Cir. 2005) (citation omitted) ("Although we construe them liberally, pro se complaints also must comply with the procedural rules that govern pleadings"). Plaintiff's Complaint is subject to dismissal as a shotgun pleading, but because Plaintiff is pro se, she "must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice." Woldeab v. DeKalb Cnty. Bd. of Educ., 885 F.3d 1289. 1291 (11th Cir. 2018). Accordingly, this Court will give Plaintiff an opportunity to amend her Complaint in a manner consistent with this Order and Rule 8 of the Federal Rule of Civil Procedure so that she can state a claim for any cause of action against any Defendant.

III. CONCLUSION

For the foregoing reasons, it is hereby ORDERED that Plaintiff's Emergency Petition for Temporary Restraining Order [Doc. 77] is DENIED.
It is FURTHER ORDERED that Plaintiff's request to file electronically [Doc. 32] is DENIED.

It is FURTHER ORDERED that the motions to stay pretrial deadlines until the pending motions to dismiss are adjudicated filed by Apple Inc. [Doc. 65], Amgen Inc. [Doc. 691, Enterprise Holdings, Inc. [Doc. 701, and South Broward Hospital

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District, d/b/a Memorial Healthcare System [Doc. 79] are GRANTED. 1°

9 "Pro se litigants who are not attorneys in good standing admitted to the Bar of this Court must file all documents with the Court in paper form." Standing Order No. 19-01, In Re: Revised Electronic Case Filing Standing Order and Administrative Procedures (see App. H to Local Rules, NDGa); see also Smith v. Robin Warren Props., LLC, No. 18-CV-03785-WMR-JCF, 2019 WL 4138005, at *2 (N.D. Ga. Jan. 9, 2019) (collecting cases where pro se litigants' motions for CM/ECF access were denied pursuant to this Court's Local Rules).

10 The Court has broad discretion to manage its own docket. This includes "broad discretion to stay discovery pending decision on a dispositive motion." Panola v. It is furthered ordered that Plaintiff shall have twenty-one (21) days from the date of this Order to amend her Complaint. Any amended complaint must comply with the following directions:

(1) address all the shortcomings noted in this Order;

(2)

comply with the pleading requirements of the Federal Rules of Civil Procedure;

(3)

include a factual background section setting forth in specific numbered paragraphs, non-conclusory factual allegations which directly pertain to his case, are not legal conclusions, and suggest support for the required elements of any claims asserted against the particular defendant;

(4)

identify each of her legal causes of action against each defendant based on separate occurrences in separate counts of the amended complaint, each with its own heading identifying it as a count, and including the specific legal authority under

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which she seeks relief; and

(5)

identify by reference which specific factual allegations and acts by the particular that support each cause of action within each count of Plaintiff's amended complaint.

THE FAILURE TO AMEND HER COMPLAINT IN ACCORDANCE WITH THIS ORDER WILL RESULT IN DISMISSAL OF PLAINTIFF'S

Land Buyers Ass'n v. Shuman, 762 F. 2d 1550, 1560 (11th Cir. 1985) (citations omitted); see also LR 26.2B, NDGa ("The court may, in its discretion, shorten or lengthen the time for discovery.") The Court finds that judicial efficiency will be archived by granting a stay as to discovery and all parties' pretrial obligations (e.g., initial disclosures, conference and reporting obligations under Local Rules 16 and 26) in this case.

COMPLAINT. Should Plaintiff decide to file an amended complaint,

It shall be reviewed by the court to determine whether any such amended complaint complies with this Order. Defendants are DIRECTED not to answer or otherwise respond to any such amended complaint until further Order from this Court.

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

Mark 7. Cohen

MARK H. COHEN

United States District Judge

10-14-2025