

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

BENZO ELIAS RUDNIKAS

Petitioner,

v.

FIDELITY BROKERAGE SERVICES, LLC., *et. al.*,

Respondents.

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

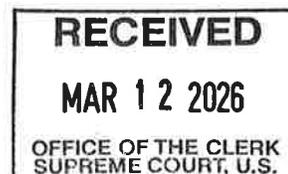
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APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR  
WRIT OF CERTIORARI



MARCH 9, 2026

BENZO ELIAS RUDNIKAS, *PRO SE*  
PO BOX 347582, CORAL GABLES, FL 33234  
(305) 213-9889



To the Honorable Clarence Thomas, Associate Justice of the United States Supreme Court and Circuit Justice for the United States Court of Appeals for the Eleventh Circuit:

Pursuant to Supreme Court Rules 13.5, 22, 30.2, and 30.3, Petitioner Benzo Elias Rudnikas, *pro se*, (“Petitioner”) respectfully requests that the deadline to file his Petition for Writ of Certiorari in this matter be extended for (60) sixty days from the current deadline of March 18, 2026. This would make the extended deadline fall on May 17, 2026. This application is timely as it is being sent through certified mail via the United States Postal Service to the Supreme Court Clerk before the last day to file an application for extension of time as noted by the postmark/tracking number. Since the 10<sup>th</sup> day fell on a Sunday, the last day to mail the extension of time is the next business day, Monday, March 9, 2026.

### **BACKGROUND AND JURISDICTION**

On November 18, 2024, Petitioner filed the instant original jurisdiction action in the United States District Court for the Southern District of Florida. On February 25, 2025, the District Court dismissed his amended complaint without prejudice and with leave to Amend. On March 2, 2025, Petitioner filed his Notice of Appeal to the United States Court Of Appeals for the Eleventh Circuit of the Order of Dismissal. While the case was on appeal, Petitioner settled with the majority of the Defendants leaving only Respondents: State of Florida, Governor of Florida,

Eleventh Judicial Circuit of Florida, Jorge E. Cueto, Nushin G. Sayfie (“The State Respondents) as well as Respondents Elena Z. George, Alex Cuello, and the Law Office of Alex Cuello, P.A.

On December 18, 2025, the United States Court of Appeals for the Eleventh Circuit dismissed his appeal. A copy of the Order of Dismissal of the District Court as well as a copy of the Order Dismissing his Appeal from the Eleventh Circuit is attached hereto. This Court has jurisdiction to review the judgment under 28 U.S.C. § 1254(1) and Petitioner has timely invoked this Court’s jurisdiction to extend the time to file a petition for writ of certiorari under 28 U.S.C. § 2101(c).

**REASONS FOR GRANTING EXTENSION OF TIME**

Petitioner respectfully and humbly requests a (60) sixty-day extension of time. As good cause, Petitioner respectfully states that a motion for reconsideration and for a published written opinion was filed with the Eleventh Circuit on January 8, 2026. The motion remains pending and may obviate the need to file a petition for writ of certiorari. Unfortunately, unlike a petition for rehearing, a motion for reconsideration does not toll the time to file a writ of certiorari under this Court’s rules, thus making the instant request for an extension necessary. Further, an additional 60 days will allow Petitioner to continue to revise, edit, research, review, and submit a well-polished Petition for Writ of Certiorari worthy of this Honorable Court’s review given the complexity of the legal issues involved.

Petitioner has conferred with Opposing Counsel for Respondents. Counsel for Respondent Elena Z. George does not oppose the requested relief. Counsel for the Cuello Respondents does not oppose the relief requested. Counsel for the State Respondents did not provide Petitioner their position on the requested relief.

**CONCLUSION**

Petitioner respectfully requests a sixty-day extension of time from the current deadline to file his Petition for Writ of Certiorari.

**VERIFICATION**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Benzo Elias Rudnikas

Executed on March 9, 2026

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-10671

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BENZO ELIAS RUDNIKAS,

Plaintiff-Appellant,

*versus*

FIDELITY BROKERAGE SERVICES LLC,  
STATE OF FLORIDA,  
GOVERNOR OF FLORIDA,  
THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,  
JORGE E. CUETO, et al.,

Defendants-Appellees.

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

D.C. Docket No. 1:24-cv-24547-JEM

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Before ROSENBAUM, BRASHER, and ABUDU, Circuit Judges.

BY THE COURT:

Appellant's motion to voluntarily dismiss the appeal as to Appellees BankUnited, N.A.; Fidelity Brokerage Services, LLC; and U.S. Century Bank is GRANTED.

The motions of Appellees BankUnited, N.A. and Fidelity Brokerage Services, LLC for extensions of time to file their response briefs are DENIED AS MOOT.

The motion of Appellees Alex Cuello and the Law Office of Alex Cuello, P.A. (the "Cuello Appellees") to supplement the record is GRANTED for the limited purpose of adjudicating the pending motions to dismiss the appeal.

The motions of the Cuello Appellees, Appellee Elena Z. George, and Appellee Maria Rudnikas to dismiss this appeal pursuant to the fugitive disentitlement doctrine are GRANTED.

Appellant's motion to strike the Cuello Appellees' reply in support of their motion to dismiss is DENIED AS MOOT.

Appellant's motion to stay adjudication of the motions to dismiss is DENIED AS MOOT.

Appellant's motion for sanctions against Appellee George is DENIED.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

**Case Number: 24-24547-CIV-MARTINEZ**

BENZO ELIAS RUDNIKAS,

Plaintiff,

v.

FIDELITY BROKERAGE  
SERVICES, LLC, *et al.*,

Defendants.

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**ORDER DISMISSING AMENDED COMPLAINT**

**THIS CAUSE** came before the Court upon a *sua sponte* review of the record. On January 13, 2025, *pro se* Plaintiff Benzo Elias Rudnikas filed his Verified Amended Complaint (“Amended Complaint” or “Am. Compl.”) against thirty Defendants, (ECF No. 30). Upon reviewing the Amended Complaint, the Court finds that it is a shotgun pleading and must be **DISMISSED without prejudice**. Plaintiff may file a second amended complaint, that must comport with this order no later than **March 26, 2025**.

**I. BACKGROUND**

This action is one of several initiated by Plaintiff that arise out of pending probate and guardianship proceedings concerning the estates of Plaintiff’s father, Elias B. Rudnikas, and grandmother, Marta S. Rudnikas.<sup>1</sup> Plaintiff asserts, with no factual support and in contradiction to the underlying probate case, that he “inherits the entire estate of Elias B. Rudnikas as the

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<sup>1</sup> See, e.g., *Rudnikas v. Gonzalez et al.*, Case No. 23-cv-21201-JEM; *Rudnikas v. State of Florida, et al.*, Case No. 24-cv-22031; *State of Florida v. Rudnikas*, Case No. 24-cv-22733; *State of Florida v. Rudnikas*, Case No. 24-cv-23364; *State of Florida v. Rudnikas*, Case No. 24-cv-24996; *Rudnikas v. Gonzalez*, 389 So. 3d 691 (Fla. 3d DCA 2024).

beneficiary of the Estate of Marta Santander Rudnikas.” (Am. Compl. ¶ 2). Plaintiff was denied standing to object to the administration of his father’s probate proceedings, and that decision was affirmed on appeal. *See Rudnikas*, 389 So. 3d at 694. The Amended Complaint appears to bring claims on behalf of Plaintiff’s deceased father and grandmother as well as claims based on state court rulings in the underlying probate case. (*See Am. Compl.*).

## II. LEGAL STANDARD

Courts must “construe *pro se* pleadings liberally, holding them to a less stringent standard than those drafted by attorneys.” *Arrington v. Green*, 757 F. App’x 796, 797 (11th Cir. 2018) (citing *Hughes v. Lott*, 350 F.3d 1157, 1160 (11th Cir. 2003)). Still, a *pro se* party must abide by “the relevant law and rules of court, including the Federal Rules of Civil Procedure.” *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). Specifically, Federal Rule of Civil Procedure 8(a)(2), requires a complaint include “a short and plain statement of the claim showing that the pleader is entitled to relief.” Rule 10(b) also provides that “[a] party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” The failure to comply with the Federal Rules may lead to dismissal of the entire action. *See Toth v. Antonacci*, 788 F. App’x 688, 691 (11th Cir. 2019) (affirming dismissal of *pro se* complaint on shotgun pleading grounds).

The leniency afforded to *pro se* litigants does not permit them to file an impermissible shotgun pleading. *Arrington*, 757 F. App’x at 797. There are four types of shotgun pleadings: (1) a “complaint containing multiple counts where each count adopts the allegations of all preceding counts”; (2) a complaint “replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action.”; (3) a complaint that does not separate “into a different

count each cause of action or claim for relief”; and (4) a complaint that “assert[s] 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 v. Palm Beach Cnty. Sheriff’s Off.*, 792 F.3d 1313, 1321–23 (11th Cir. 2015). “The unifying characteristic of all types of shotgun pleadings 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.* at 1323.

The Eleventh Circuit has expressed increased frustration with district courts that let the case proceed despite such shotgun pleadings. *See Byrne v. Nezhat*, 261 F.3d 1075, 1130 (11th Cir. 2001). The *Byrne* court sought to avoid having district courts undergo the time-consuming process of “rearranging the pleadings and discerning whether the plaintiff has stated a claim, or claims, for relief, and whether the defendant’s affirmative defenses are legally sufficient.” *Id.* at 1129. “Shotgun pleadings, if tolerated, harm the court by impeding its ability to administer justice. The time a court spends managing litigation framed by shotgun pleadings should be devoted to other cases waiting to be heard.” *Id.* at 1131.

### III. DISCUSSION

Plaintiff’s 124-page, thirty-defendant Amended Complaint, containing numerous federal and state law claims and voluminous factual allegations, supplemented by 177 pages of exhibits, is anything but “short and plain.” Fed. R. Civ. P. 8(a)(2). As such, it contains elements of all four categories of shotgun pleadings but falls primarily into the third and fourth categories. *See Yeyille v. Miami Dade Cnty. Pub. Sch.*, 643 F. App’x 882, 884–85 (11th Cir. 2016) (finding a complaint containing an “85-paragraph fact section spanning 31 pages, much of it written in narrative, diary-

like form . . . a quintessential shotgun pleading.”).

First, the Amended Complaint fails to “separat[e] into a different count each cause of action or claim for relief.” *Weiland*, 792 F.3d at 1323. Although the Complaint contains numbered paragraphs, these paragraphs are not “limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). The Court notes that Plaintiff arguably did not bring any claims as his Amended Complaint never numbers or labels any claims as counts brought against specific defendants. What the Court liberally construes to be counts are not numbered and are not clearly separated, making it “impossible for Defendants and the Court to determine with any certainty which factual allegations give rise to which claims for relief.” *Jackson v. Bank of Am., N.A.*, 898 F.3d 1348, 1356 (11th Cir. 2018); *see also Jean-Baptiste v. Publix Super Markets, Inc.*, No. 23-12949, 2024 WL 1988965, at \*2 (11th Cir. May 6, 2024) (complaint that “improperly listed, within a single paragraph, numerous causes of action in violation of Rules 8 and 10” was a shotgun pleading). Plaintiff must clearly separate out each cause of action.

Second, the Amended Complaint “assert[s] 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 1323. In what the Court liberally construes to be counts, Plaintiff lists the names or initials of several Defendants followed by legal conclusions that the listed Defendants harmed him. The Amended Complaint does not allege which Defendant committed which action or how or why that action harmed Plaintiff. (*See Am. Compl.*). For example, Plaintiff appears to bring a claim for Violation of the Stored Communications Act, but fails to provide the actions of each Defendant:

496. Plaintiff reavers and realleges paragraphs 1–292 as if set forth fully herein as

to Defendants Stokes & Gonzalez PA, Jacinto Jose Gonzalez, Mark Lee Stokes, Teresa Galindo and further alleges the following:

497. Defendants intentionally accessed without authorization, or exceeded authorized access to, Plaintiff's stored electronic communications in violation of 18 U.S.C. § 2701(a), via the emails and whatsapp cellular communications of Elias B. Rudnikas, that the Ward had equitable title and of which Plaintiff inherited on May 29, 2024[,] via the Florida Laws of Intestate succession.

498. Defendant's actions were willful, malicious, and caused economic harm to Plaintiff because they facilitated unlawful misappropriation of trade secrets by the Defendant[]s.

499. Plaintiff is entitled to relief under 18 U.S.C. § 2707.

500. Plaintiff is entitled to injunctive relief.

501. Plaintiff is entitled to damages.

502. Plaintiff is entitled to reasonable attorney[']s fees and costs.

(Am. Compl. ¶ 496–502). Plaintiff also lists “Gonzalez” in several Counts, but there are several Defendants with Gonzalez in their name (Mercedes Gisela Gonzalez Artiles, Jacinto Jose Gonzalez, and Stokes & Gonzalez, P.A.). Plaintiff often does not specify which specific Gonzalez he is referring to:

Defendants, MMR, GONZALEZ, GEORGE, CUELLO, CUELLO PA, LINARES, BARRETO, BILLBROUGH, BILLBROUGH FIRM, tortiously interfered with the Plaintiffs inheritance from Marta Santander Rudnikas by conspiring together, to engage in illicit Estate Planning for Marta Santander Rudnikas, evidenced by Bareto's time sheet entries referencing to “Marta's papers”, where the aforementioned Defendants's [sic.] sought to disinherit Plaintiff from all or at least certain assets, of Marta Santander Rudnikas.

(Am. Compl. ¶ 363). Plaintiff also brings several claims against attorneys in their individual capacity and the law firm without distinguishing between the actions of individuals and their firms:

Defendants, GONZALEZ, LINARES, BARRETO, BILLBROUGH, BILLBROUGH FIRM, tortiously interfered with the Plaintiffs inheritance from Marta Santander Rudnikas by conspiring together, to opposed [sic.] the transfer of

the 3670 NW 6<sup>th</sup> Street commercial property from the Estate of Elias B. Rudnikas to the sole beneficiary of the Estate of Elias B. Rudnikas.

(Am. Compl. ¶ 369). The Amended Complaint fails “to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.” *Weiland*, 792 F.3d at 1323. Plaintiff’s Complaint must allow each Defendant to be aware of the specific claims and allegations brought against it.

Third, the Amended Complaint is “replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action.” *Weiland*, 792 F.3d at 1322. For example, Plaintiff alleges in a vague and conclusory fashion that Defendants Governor Ron DeSantis, the State of Florida, The Eleventh Judicial Circuit of Florida, Jorge E. Cueto, and Nushin G. Sayfie discriminated against him because of his disability. (Am. Compl. ¶¶ 293–344). However, Plaintiff alleges no facts to indicate that any action or inaction was due to his disability. (*See id.*). Rather, the Amended Complaint includes eleven pages of long paragraphs describing rulings made by state court judges in the underlying probate case that Plaintiff did not agree with. (*See id.*). In fact, the majority of the Amended Complaint seems to be related to decisions and rulings made in the underlying probate case that Plaintiff disagrees with. Plaintiff’s Complaint must include specific facts that directly relate to a specific defendant’s acts or omissions for each particular cause of action.

In sum, Plaintiff’s Complaint is an impermissible shotgun pleading that fails to give Defendants enough clarity to respond. Shotgun pleadings “are flatly forbidden by the spirit, if not the letter, of these [federal] rules because they are 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, especially before the jury, can be masked.” *Barmapov v. Amuial*, 986 F.3d 1321, 1324 (11th Cir.

2021) (quotation and citation omitted). Permitting a shotgun pleading to proceed “waste[s] scarce judicial resources, inexorably broaden[s] the scope of discovery, wreak[s] havoc on appellate court dockets, and undermine[s] the public’s respect for the courts.” *Id.* (quotation and citation omitted). Accordingly, Plaintiff’s Complaint must be dismissed as a shotgun pleading.

#### IV. LEAVE TO AMEND

Plaintiff must be given at least one chance to amend his Complaint to adequately state a claim for relief. *Wagner v. First Horizon Pharm. Corp.*, 464 F.3d 1273, 1280 (11th Cir. 2006). Any amended pleading shall comply with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of Florida. Specifically, Rule 8(a) provides that a pleading which states a claim for relief must contain:

- (1) a short and plain statement of the grounds for the court’s jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

Plaintiff must cure the deficiencies identified in this Order by stating his claims as concisely as possible. To promote clarity, “each claim founded on a separate transaction or occurrence . . . must be stated in a separate count[.]” Fed. R. Civ. P. 10(b). Separate causes of action must be asserted independently and with supporting factual allegations as to each Defendant Plaintiff is bringing a claim against.

Plaintiff is forewarned that failure to comply with this Order may result in the dismissal of this case with prejudice or other appropriate sanctions. *See Jackson v. Bank of Am., N.A.*, 898 F.3d

1348, 1357–58 (11th Cir. 2018) (“[I]f the plaintiff fails to comply with the court’s order—by filing a repleader with the same deficiency—the court should strike his pleading or, depending on the circumstances, dismiss his case and consider the imposition of monetary sanctions.”).

This Court has serious concerns about Plaintiff’s claims. The Court has explained to Plaintiff that it does not have authority to interfere with state court proceedings. (ECF No. 58). The Court has also explained to Plaintiff—at length—that he does not have standing to bring claims on behalf of his grandmother or his father. *Rudnikas v. Gonzalez et al.*, Case No. 23-cv-21201-JEM, ECF No. 222 at 4–9 (Sept. 6, 2024). The Court reminds Plaintiff that filings made to this Court must be “warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law,” and “the factual contentions [made in a pleading, written motion, or other paper must] have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.” Fed. R. Civ. P. 11(b)(2)–(3). Failure to comply with Rule 11 of the Federal Rules of Procedure may lead to appropriate sanctions. Fed. R. Civ. P. 11(c).

#### V. CONCLUSION

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. The Verified Amended Complaint, (ECF No. 30), is **DISMISSED WITHOUT PREJUDICE** as a shotgun pleading.
2. **On or before Wednesday, March 26, 2025**, Plaintiff may file an amended complaint, labeled “Second Amended Complaint,” that **must** comply with the instructions in this Order.
3. The Second Amended Complaint must show **Case Number: 24-24547-CIV-**

**MARTINEZ** so that it will be filed in this case.

4. Plaintiff is cautioned that failure to file an amended complaint by **March 26, 2025**, that complies with the instructions in this Order, will result in the dismissal of this action under Fed. R. Civ. P. 41(b) for failure to prosecute or failure to comply with court orders.
5. This case is **CLOSED** for administrative purposes only, pending the filing of an Amended Complaint. This shall not affect the substantive rights of the parties.
6. All pending motions are **DENIED as moot**.

**DONE AND ORDERED** in chambers at Miami, Florida, this 25 day of February 2025.

  
\_\_\_\_\_  
JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Benzo Elias Rudnikas, *pro se*  
All counsel of record

No.

IN THE SUPREME COURT OF THE UNITED STATES

BENZO ELIAS RUDNIKAS

Petitioner,

v.

FIDELITY BROKERAGE SERVICES, LLC., *et. al.*,

Respondents.

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**PROOF OF SERVICE**

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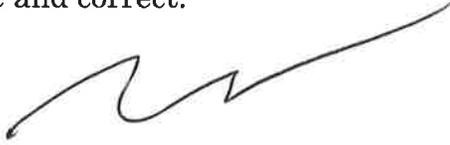
Petitioner, Benzo Elias Rudnikas, *pro se*, hereby certifies that on this 9<sup>th</sup> day of March 2026, all parties required to be served have been served with copies of Petitioner's Application for Extension of Time to File a Writ of Certiorari. Specifically, copies were served via U.S Certified Mail and via electronic email service, as required by Supreme Court Rule 29 and Rule 33.2, on the following:

- 1) Jeffrey DeSousa, Counsel for State Respondents, Solicitor General, Florida Office of the Attorney General, 107 W. Gaines Street, Tallahassee, FL 32399, [jeffrey.desousa@myfloridalegal.com](mailto:jeffrey.desousa@myfloridalegal.com); Ph: 5088018425.
- 2) Jonathan Scott Wickham, Clausen Miller, 1177 NW 6th Ave, Boca Raton, FL 33432-2528, Office: 561-765-5306, [jwickham@clausen.com](mailto:jwickham@clausen.com).
- 3) Christopher David Brown, Beasley, Demos & Brown, LLC, 201 Alhambra Cir Ste 801, Coral Gables, FL 33134-5108, Office: 305-669-3131, [cbrown@beasleydemos.com](mailto:cbrown@beasleydemos.com).

*/S/ BENZO ELIAS RUDNIKAS*  
BENZO ELIAS RUDNIKAS, *PRO SE*  
P.O. BOX 347582  
CORAL GABLES, FL 33134  
(305) 213-9889

**VERIFICATION**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, consisting of a series of fluid, connected strokes that form a stylized representation of the name Benzo Elias Rudnikas.

Benzo Elias Rudnikas

Executed on March 9, 2026