

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-12947
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT Oct. 23, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 08-02419-CV-RLV-1

B.L.E., by and through her next friend and
counsel, Sherri Jefferson; on her own behalf
and on behalf of those similarly situated,

Plaintiff-Appellant,

versus

THE STATE OF GEORGIA, et al.,

Defendants,

SONNY PERDUE, in his official capacity as
Governor of the State of Georgia,
ALBERT MURRAY, in his individual capacity
and in his official capacity as Commissioner of the
Department of Juvenile Justice,
AMY HOWELL, in her individual and official
capacity as the Legal Services Director and in
her official capacity with the Department of
Juvenile Justice,
ROB ROSENBLOOM, in his official capacity
with the Department of Juvenile Justice,

Defendants-Appellees.

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

(October 23, 2009)

Before BIRCH, HULL and HILL, Circuit Judges.

PER CURIAM:

This is an appeal from an order of the district court granting the defendants-appellees' motion to dismiss the plaintiff-appellant's action filed pursuant to 42 U.S.C. § 1983 (Section 1983). The complaint was seeking relief of some kind with respect to Georgia statutes relating to the adjudication of minors as delinquent by juvenile courts, and committing them to the custody of the Georgia Department of Juvenile Justice.¹

On November 10, 2008, District Judge Robert L. Vining, Jr. granted the plaintiff-appellant's motion for permission to file a more definite statement. In his order, he instructed appellant's counsel to file a complaint succinctly and clearly

¹ The plaintiff-appellant is styled as "B.L.E., by and through her next friend and counsel, Sherri Jefferson; on her own behalf and on behalf of those similarly situated." While the State of Georgia was an original defendant, the styled defendants-appellees are four persons, Sonny Perdue, in his official capacity as Governor of the State of Georgia; Albert Murray, in his individual capacity and in his official capacity as Commissioner of the Department of Juvenile Justice; Amy Howell, in her individual and official capacity as the Legal Services Director and in her official capacity with the Department of Juvenile Justice; and Rob Rosenbloom, in his official capacity with the Department of Juvenile Justice.

setting forth specific facts giving rise to each specific alleged constitutional violation, without any extraneous matter. Appellant's counsel then filed the sixth (6th) effort to state appellant's complaint.

On May 6, 2009, the district court granted the defendants-appellees' motion to dismiss on the basis that the plaintiff-appellant, in her proposed sixth amended complaint, had still filed nothing more than a quintessential "rambling, prolix" pleading, condemned by this court. In fact, we have specifically instructed district courts to prohibit, as fatally defective, shotgun pleadings similar to the one filed in this action. *See, e.g., Davis v. Coca-Cola Bottling Co. Consol.*, 156 F.3d 955, 979 (11th Cir. 2008); *Byrne v. Nezhat*, 261 F.3d 1075, 1130 n. 108 (11th Cir. 2001).

We have carefully reviewed the record and the tortured procedural history of this case. We commend the district judge for his diligent efforts in trying to obtain compliance with the requirements for drafting a proper pleading. Finding no error, we affirm the judgment of the district court.²

AFFIRMED.

² Neither the district court or this court has been able to discern from the plaintiff's filings the substance of any complaints and neither court has passed upon any issues that might have been contained in adequate and proper pleading.