

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 11-11733

D.C. Docket No. 2:10-cv-00708-JES-DNF

ORLANDO GOMEZ,

Plaintiff – Appellant,

versus

TST DAVIS,

Defendant - Appellee.

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

(December 18, 2012)

Before WILSON and HILL, Circuit Judges, and HUCK,* District Judge.

*Honorable Paul C. Huck, United States District Judge for the Southern District of Florida, sitting by designation.

PER CURIAM:

Orlando Gomez appeals the dismissal of his complaint for failure to state a claim. He argues that the district court should have granted him leave to amend before closing this case. We agree. We shall grant Gomez leave to amend his complaint. On remand, we urge Gomez to consult the standards articulated in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and to include sufficient facts in his complaint from which the district court can deduce whether they “plausibly suggest an entitlement to relief.” Without such facts, Gomez’s complaint will again be subject to dismissal.

REVERSED AND REMANDED WITH INSTRUCTIONS TO REOPEN
CASE AND GRANT LEAVE TO AMEND THE COMPLAINT.