[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-12215
Non-Argument Calendar

D.C. Docket No. 3:17-cv-01342-HLA-JRK

JEFFREY LANCE HILL, SR.,

Plaintiff-Appellant,

versus

LEANDRA G. JOHNSON,
individually,
GREGORY S. PARKER,
individually,
JENNIFER B. SPRINGFIELD,
individually,
WILLIAM F. WILLIAMS, III,
individually,
JOEL F. FOREMAN,
individually,
SUWANNEE RIVER WATER MANAGEMENT DISTRICT,
CITY OF LAKE CITY, FLORIDA, et al.,

Defendants-Appellees.

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

(September 20, 2019)

Before WILSON, BRANCH, and JULIE CARNES, Circuit Judges.

PER CURIAM:

Jeffrey Hill, proceeding *pro se*, appeals the district court's *sua sponte* dismissal with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B), of his *pro se* civil rights complaint, in which asserted that several prior Florida judgments against his farm were improper and that the defendants' actions violated his rights under 42 U.S.C. §§ 1982, 1983, and 1985(3), and the Fifth, Eighth, and Fourteenth Amendments of the United States Constitution. Additionally, he appeals the denial of his motion for reconsideration and leave to amend his complaint.[1] For the following reasons, we affirm.

I.

In 2017, Hill filed a *pro se* civil rights complaint against three Florida judges (the "judicial defendants"); two Florida attorneys; the Suwannee River Water

[1] Following the dismissal of his complaint, one of the defendants moved for sanctions, pursuant to Federal Rule of Civil Procedure 11, which the district court granted following a hearing. We previously dismissed in part the appeal as to the issue of sanctions for lack of jurisdiction because the district court did not determine the amount of sanctions, which rendered the decision non-final.

Management District (the "District"); Columbia County, Florida (the "county"); and the City of Lake City, Florida (the "city"). The basis for Hill's complaint was multiple prior Florida state court judgments entered against his farm. Specifically, in 2006, the District brought a lawsuit in Florida state court against Hill's Farm, El Rancho No Tengo, Inc., alleging that the farm had repaired a pipe on the property without obtaining the proper permits. The District prevailed in that action, and over the years several civil judgments have been entered against the farm, imposing civil penalties and authorizing the District to allow water to flow onto Hill's land. According to the complaint, Hill has unsuccessfully attempted to obtain relief in matters related to those judgments in two state court cases, two bankruptcy cases, and various federal and state appeal processes.

After summarizing the procedural history of the various legal proceedings related to the Florida judgments in his complaint, Hill asserted, without further explanation, that: (1) the defendants' actions violated his right "to inherit, purchase, lease, sell, hold and convey real and personal property[,]" under 42 U.S.C. § 1982; (2) the defendants' actions violated his "right to redress for deprivation of rights, privileges or immunities secured by the Constitution and laws" under 42 U.S.C. § 1983; (3) the defendants' "[c]onspir[ed] to deprive [him] of [his] civil right to equal protection of the laws[,]" in violation of 42 U.S.C. § 1985(3); (4) the defendants' actions violated the Fifth Amendment's guarantee

that a person cannot not be deprived of property without due process of law and that property could not be taken for public use, without just compensation; (5) two of the judges violated the Eighth Amendment's guarantee that "[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted"; and (6) the District, the county, and the city violated the Fourteenth Amendment, which provides that the State cannot deprive a person of property without due process of law and shall not "deny to any person within its jurisdiction the equal protection of the laws." As relief, he requested compensatory and punitive damages, a declaratory judgment that the defendants' actions violated his constitutional rights, and an award of fees and costs. Hill paid the filing fee when he filed his complaint.

The judicial defendants and Springfield made a limited appearance and moved to quash for improper service of process. The city and the District moved to dismiss the complaint for failure to state a claim upon which relief may be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6), arguing among other things that Hill's claims were barred by the *Rooker-Feldman*[2] doctrine.

Without addressing the pending motions, the district court *sua sponte* dismissed Hill's complaint, pursuant to 28 U.S.C. § 1915(e)(2)(B), concluding that

[2] *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923) and *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

the action was "frivolous, malicious, or failed to state a claim on which relief may be granted." The court noted that Hill previously had filed multiple cases in the district court concerning the same facts and seeking the same relief. He was unsuccessful in all those cases. (*Id.*). Given this procedural history, the district court concluded without further explanation that Hill failed to state a claim upon which relief could be granted and dismissed the complaint with prejudice.

Hill subsequently moved for reconsideration and for leave to file an amended complaint, maintaining that the district court had the authority to review his claims, and that he stated viable claims for relief. The district court denied the motion. This appeal follows.

II.

Hill first challenges the district court's *sua sponte* dismissal of his complaint. He maintains that the district court had authority to review the state court judgments against him and that the state court judgments were wrong.

"We review de novo a district court's sua sponte dismissal for failure to state a claim, pursuant to § 1915(e)(2), using the same standards that govern Federal Rule of Civil Procedure 12(b)(6) dismissals." *Farese v. Scherer*, 342 F.3d 1223, 1230 (11th Cir. 2003). As an initial matter, the district court erred in dismissing the complaint under § 1915(e)(2)(B), as § 1915 applies to a party that is proceeding *in forma pauperis*, which Hill was not. *See id.* at 1228 ("Logically, § 1915(e) only

applies to cases in which the plaintiff is proceeding [*in forma pauperis*].").
Nevertheless, we "may affirm the judgment of the district court on any ground supported by the record, regardless of whether that ground was relied upon or even considered by the district court." *Kernel Records Oy v. Mosley*, 694 F.3d 1294, 1309 (11th Cir. 2012). Although the district court incorrectly acted under § 1915(e), we conclude that dismissal under Rule 12(b)(6) was nonetheless appropriate.

To prevent dismissal under Rule 12(b)(6), the plaintiff must allege sufficient facts "to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). In making this determination, "[*p*]*ro se* pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." *Hughes v. Lott*, 350 F.3d 1157, 1160 (11th Cir. 2003) (quotations omitted). "A complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show the plaintiff is not entitled to relief." *Jones v. Bock*, 549 U.S. 199, 215 (2007). "If the complaint contains a claim that is facially subject to an affirmative defense, that claim may be dismissed under Rule 12(b)(6)." *LeFrere v. Quezada*, 582 F.3d 1260, 1263 (11th Cir. 2009).

Here, although Hill cursorily, and without any further explanation, asserted that his rights were violated by the defendants' actions, the gravamen of Hill's

complaint sought to relitigate the various state court judgments entered against his farm, and seek relief from the alleged damages resulting from those prior judgments.[3] Thus, Hill's claims were barred by the *Rooker-Feldman* doctrine, which precludes federal district courts from reviewing "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); *see also Johnson v. De Grandy*, 512 U.S. 997, 1005-06 (1994) (explaining that the *Rooker-Feldman* doctrine is an abstention doctrine, "under which a party losing in state court is barred from seeking what in substance would be appellate review of the state judgment in a United States district court, based on the losing party's claim that the state judgment itself violates the loser's federal rights"). Accordingly, Hill's complaint failed to state any claim upon which the district court could grant relief.

[3] Furthermore, his brief before this court makes clear that he sought to have the district court review the Florida judgments. For instance, in his brief, Hill asserts that the district court had the authority under 28 U.S.C. § 2201 "to end the controversy by overturning, vacating or setting aside the errant decisions of the state court." He then argues that the civil penalties and fines imposed against the farm were unconstitutional and excessive, that the District did not have the authority to require him to obtain a permit to repair the pipe, and that the state court lacked subject matter jurisdiction over the 2006 action brought by the District.

III.

Hill also challenges the district court's denial of his motion for reconsideration and leave to amend his complaint.

We review the denial of a motion for reconsideration for an abuse of discretion. *Richardson v. Johnson*, 598 F.3d 734, 740 (11th Cir. 2010). "A motion for reconsideration cannot be used to relitigate old matters, raise argument, or present evidence that could have been raised prior to the entry of judgment." *Id.* (quotation omitted).

"We generally review the denial of a motion to amend a complaint for an abuse of discretion, but we review questions of law *de novo*." *Coventry First, LLC. V. McCarty*, 605 F.3d 865, 869 (11th Cir. 2010) (quotation omitted). This Court has held that a district court must allow a plaintiff at least one opportunity to amend a pleading before dismissing it for failure to state a claim, "if it appears a more carefully drafted [pleading] might state a claim upon which relief can be granted." *Silva v. Bieluch*, 351 F.3d 1045, 1048-49 (11th Cir. 2003) (quotation omitted). "A district court need not, however, allow an amendment (1) where there has been undue delay, bad faith, dilatory motive, or repeated failure to cure deficiencies by amendments previously allowed; (2) where allowing amendment would cause undue prejudice to the opposing party; or (3) where amendment would be futile." *Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001).

Here, the district court did not abuse its discretion by denying Hill's motion for reconsideration. Hill was simply quarrelling with the outcome and attempting to relitigate his claims. *See Richardson*, 598 F.3d at 740. Likewise, the district court did not abuse its discretion in denying his motion for leave to amend, as amendment would have been futile because the ultimate relief Hill sought in the district court—review of the state court judgments against his farm—is barred by the *Rooker-Feldman* doctrine. Accordingly, we affirm the district court's denial of Hill's motion for reconsideration and leave to amend.

AFFIRMED.