

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-11040
Non-Argument Calendar

D.C. Docket No. 3:18-cv-01275-PDB

ROBERT ROCKWELL TURNER, JR.,

Plaintiff - Appellant,

versus

TRACY K. BALDWIN,
Deputy Clerk,
LAMAR JENKINS,
Suwannee County Property Appraiser,

Defendants - Appellees.

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

(January 6, 2021)

Before JORDAN, GRANT and DUBINA, Circuit Judges.

PER CURIAM:

Appellant, Robert Turner, appeals *pro se* the magistrate judge's order denying his motion for reconsideration of the magistrate judge's order dismissing his amended complaint brought pursuant to 42 U.S.C. § 1983.¹ In his amended complaint, Turner challenged the 2015 removal of his homestead exemption for his Suwannee County, Florida, property. Turner claimed that Tracy Baldwin, Deputy Clerk for Suwannee County, Florida, and Lamar Jenkins, the Suwannee County Property Appraiser, failed to disclose in a tax sale that the property was Turner's homestead and removed the homestead exemption without a verifiable signed complaint, all in violation of his Fourteenth Amendment rights of equal protection, procedural due process, and substantive due process. He also asserted that these actions by Baldwin and Jenkins constituted a taking for which he should receive just compensation. The magistrate judge dismissed the amended complaint on comity grounds. After reviewing the record and reading the parties' briefs, we affirm the magistrate judge's order denying Turner's motion for reconsideration.

I.

This court reviews for abuse of discretion the district court's denial of a post-judgment motion. *Green v. Union Foundry Co.*, 281 F.3d 1229, 1233 (11th Cir. 2002). "A district court abuses its discretion if it applies an incorrect legal

¹ The parties consented to the magistrate judge conducting all proceedings including the entry of final judgment. *See* 28 U.S.C. § 636(c)(1).

standard, applies the law in an unreasonable or incorrect manner, follows improper procedures in making a determination, or makes findings of fact that are clearly erroneous.” *Giovanno v. Fabec*, 804 F.3d 1361, 1365 (11th Cir. 2015) (quoting *Surtain v. Hamlin Terrace Found.*, 789 F.3d 1239, 1244 (11th Cir. 2015)). We liberally construe *pro se* briefs but a *pro se* party abandons an issue by failing to argue it in his brief. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008).

II.

On appeal, Turner reasserts the claims and arguments he made in his amended complaint: that Jenkins and Baldwin illegally deprived him of his constitutional rights when they removed his homestead exemption and sold the property without giving proper notice. He asserts that because these individuals violated his procedural due process rights, his equal protection rights, and his Fifth Amendment rights, the proper avenue for his relief is in federal court. Both Jenkins and Baldwin respond that Turner fails to explain how the magistrate judge abused its discretion in denying his motion for reconsideration, which is the order Turner noticed in his appeal. Rather, they contend that Turner improperly argues the merits of his case. Alternatively, Jenkins and Baldwin assert that the magistrate judge did not abuse its discretion in refusing to reopen the case because it properly applied comity in declining to hear the case and in refusing to interfere in state tax matters.

A party cannot use a motion for reconsideration “to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment.” *Michael Linet, Inc. v. Vill. of Wellington, Fla.*, 408 F.3d 757, 763 (11th Cir. 2005). Turner attempts to do just that in this appeal. Turner fails to argue that the magistrate judge abused her discretion in denying his motion for reconsideration, and he does not raise any argument as to why the denial of his motion was improper. Rather, Turner reasserts the contentions from his amended complaint, arguing that he properly stated a claim for relief. As such, Turner fails to challenge the proper order on appeal. *See Whetstone Candy Co. v. Kraft Foods, Inc.*, 351 F.3d 1067, 1079–80 (11th Cir. 2003) (“Where an appellant notices the appeal of a specified judgment only [,] this court has no jurisdiction to review other judgments or issues which are not expressly referred to and which are not impliedly intended for appeal.” (internal quotation marks omitted)). Accordingly, we conclude from the record that Turner has abandoned the only issue on appeal, and, therefore, we affirm the district court’s order denying Turner’s motion for reconsideration.

AFFIRMED.