

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-13309
Non-Argument Calendar

D.C. Docket No. 1:19-cv-20341-MGC

DEANDRE LOVERTURE JACKSON,

Plaintiff-Appellant,

versus

JPAY, INCORPORATED,
UNITED STATES,
VIRGINIA DEPARTMENT OF CORRECTIONS,
Harold W. Clarke, Director,

Defendants-Appellees.

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

(June 22, 2021)

Before MARTIN, BRANCH, and ANDERSON, Circuit Judges.

PER CURIAM:

DeAndre Jackson, a state inmate proceeding *pro se*, appeals the dismissal of his civil suit asserting a copyright infringement claim under 17 U.S.C. § 501(a), and an unspecified claim under federal maritime law, against the Virginia Department of Corrections (“VDOC”) and a third-party payment processor, JPay, Incorporated (“JPay”).¹ Jackson’s amended complaint essentially alleged that because he had copyrighted his own name, and the defendants used that name without his permission, he should be awarded damages for copyright infringement. On appeal, Jackson argues that he alleged facts sufficient to support his claims and avoid dismissal.²

We review *de novo* the district court’s grant of a motion to dismiss for failure to state a claim, accepting the allegations in the complaint as true and construing them in the light most favorable to the plaintiff. *Hill v. White*, 321 F.3d 1334, 1335 (11th Cir. 2003). We may affirm the district court’s judgment on any

¹ Jackson also named “the United States” as a defendant in his amended complaint. Because he does not mention any claim against the federal government on appeal, however, any such claim is abandoned. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680-81 (11th Cir. 2014).

² Jackson also filed a motion in this Court requesting an “Order to Grant Petition for Appeal.” In essence, the motion simply seeks a favorable decision on the merits of his claims. Accordingly, in light of our decision on the merits described below, Jackson’s motion is **DENIED AS MOOT.**

basis supported by the record. *Waldman v. Conway*, 871 F.3d 1283, 1289 (11th Cir. 2017).

While *pro se* pleadings are liberally construed and held to less stringent standards than those drafted by attorneys, they still must suggest some factual basis for a claim. *Jones v. Fla. Parole Comm'n*, 787 F.3d 1105, 1107 (11th Cir. 2015). Further, the leniency afforded *pro se* litigants does not give the courts license to serve as *de facto* counsel or permit them to rewrite an otherwise deficient pleading. *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168-69 (11th Cir.2014).

Federal Rule of Civil Procedure 12(b)(6) authorizes dismissal of a complaint that fails to state a claim upon which relief can be granted. Fed. R. Civ.

P. 12(b)(6). To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). This standard “calls for enough fact to raise a reasonable expectation that discovery will reveal evidence” of the claim. *Id.* at 556. “[C]onclusory allegations, unwarranted deductions of facts or legal conclusions masquerading as facts will not prevent dismissal.” *Oxford Asset Mgmt., Ltd. v. Jaharis*, 297 F.3d 1182, 1188 (11th Cir. 2002).

To establish copyright infringement, a claimant must allege facts showing “(1) ownership of a valid copyright, and (2) copying of constituent elements of the

work that are original.” *See Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991). Although the Copyright Act, 17 U.S.C. § 102, allows individuals to copyright certain works, “[w]ords and short phrases such as *names*” are not copyrightable. 37 C.F.R. § 202.1(a) (emphasis added). “[A]pplications for registration of such works cannot be entertained.” *Id.*

Maritime and admiralty law only governs conduct and commerce that occurred on the high seas or navigable waters. *See E. River S.S. Corp. v. Transamerica Delaval, Inc.*, 476 U.S. 858, 863-64 (1986); *see also* U.S. Const. art. III, § 2. To invoke federal admiralty jurisdiction, a party must show that his or her suit has some “connection with marine activity.” *See Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.*, 513 U.S. 527, 534 (1995). Maritime jurisdiction extends to a contract dispute only if the contract at issue is a maritime contract. *See Norfolk S. Ry. Co. v. Kirby*, 543 U.S. 14, 23-24 (2004).

Even under a liberal reading of Jackson’s amended complaint, we conclude that he has failed to state a copyright claim or a claim under maritime law.³

Because names are not copyrightable works, Jackson cannot sue for copyright infringement based on the use of his name. Jackson also cannot recover under maritime law because none of the conduct in dispute—concerning his landlocked

³ As an initial matter, we disagree with JPay’s assertion that Jackson abandoned his maritime claim. Although Jackson’s allegations are certainly not a model of clarity, we conclude that Jackson adequately raised a maritime claim in his amended complaint.

incarceration in Virginia, the use of his name, or the procedures for depositing money into his inmate account—bore any connection to the high seas or navigable waters. Accordingly, we affirm the district court’s dismissal of Jackson’s amended complaint for failure to state a claim.

AFFIRMED.