

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-13509
Non-Argument Calendar

D.C. Docket No. 1:20-cv-00111-JRH-BKE

KIMBERLY M. BLOCHOWICZ,
Phd, MSN, RN, ADA Advocate for Jeffrey M.
Blochowicz,

Plaintiff-Appellant,

JEFFREY M. BLOCHOWICZ,

Plaintiff,

versus

ROBERT WILKIE,
Individually and in his official capacity as
Secretary of Veterans Affairs,
DR. PAUL LAWRENCE,
Individually and in his official capacity as
Under Secretary for Benefits,
MARGARITA DEVLIN,
Individually and in her official capacity as
Principal Deputy Under Secretary of Benefits,
KENNETH A. WOLF,
Individually and in his official capacity as
Office of Accountability and Whistleblower

Protection, Triage Case Manager,
CHRISTOPHER WUNSCH,
Individually and in his official capacity as
HR, Specialist/District Reasonable,
Accommodation Coordinator, Veterans
Benefit Administration, et al.,

Defendants-Appellees.

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

(April 26, 2021)

Before WILSON, JORDAN and JILL PRYOR, Circuit Judges.

PER CURIAM:

Kimberly Blochowicz, proceeding *pro se*, appeals the district court's order dismissing without prejudice her 335-page amended complaint as an impermissible shotgun pleading, in violation of Federal Rule of Civil Procedure 8(a). On appeal, Blochowicz does not argue that her amended complaint conformed to Rule 8(a). In any event, such an argument would be meritless. After careful review, we therefore affirm.

I. BACKGROUND

Blochowicz initiated this action by filing a 331-page complaint, with over 500 pages of exhibits attached, alleging that at least 45 defendants, in their individual and official capacities, violated nearly a dozen statutes and the First,

Third, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, Thirteenth, and Fourteenth Amendments.¹ A magistrate judge concluded that the complaint was the “quintessential shotgun pleading” prohibited by this Court’s precedent because the complaint included multiple counts that each adopted the allegations of all preceding counts and was replete with conclusory, vague, and immaterial facts untethered to legal claims. Doc. 5 at 1 (citing *Byrne v. Nezhat*, 261 F.3d 1075, 1131 (11th Cir. 2001)).² The magistrate judge struck the pleading and directed Blochowicz to file an amended complaint in compliance with the Federal Rules of Civil Procedure.

Blochowicz responded to the magistrate judge’s order by filing a 335-page amended complaint containing the same defects that plagued the original complaint. The district court dismissed the amended complaint without prejudice based on Blochowicz’s “repeated submission of shotgun pleadings which fail to satisfy the pleading requirements of the Federal Rules of Civil Procedure.”³ Doc. 11 at 13. This is Blochowicz’s appeal.

¹ The complaint was filed by Kimberly Blochowicz on behalf of her husband Jeffrey M. Blochowicz, who later joined the action.

² “Doc.” numbers refer to the district court’s docket entries.

³ In its dismissal order, the district court also denied two motions Blochowicz filed. Because she has not challenged those rulings on appeal, we do not address them. *See Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008).

II. STANDARD OF REVIEW

We review the dismissal of a shotgun pleading under Rule 8 for an abuse of discretion. *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1294 (11th Cir. 2018). Although *pro se* pleadings are held to less stringent standards than pleadings drafted by lawyers, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), *pro se* litigants are bound by the Federal Rules of Civil Procedure. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). “[I]ssues not briefed on appeal by a *pro se* litigant are deemed abandoned.” *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008).

III. DISCUSSION

On appeal, Blochowicz does not argue that the district court erred by dismissing her complaint as a shotgun pleading. She has therefore waived any argument to that effect. *See Timson* 518 F.3d at 874. In any event, such an argument would be meritless, as Blochowicz’s amended complaint was a shotgun pleading that failed to comply with the Federal Rules of Civil Procedure.

Federal Rule of Civil Procedure 8 requires a complaint to contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). A so-called shotgun complaint violates Rule 8 because it “fail[s]. . . to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests” and “waste[s] scarce judicial resources, inexorably broaden[s] the scope of discovery, wreak[s] havoc on appellate court

dockets, and undermine[s] the public’s respect for the courts.” *Shabanets*, 878 F.3d at 1295 (internal quotation marks omitted). We have described four characteristics of shotgun complaints. They (1) “contain[] multiple counts where each count adopts all allegations of all preceding counts;” (2) are “replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action;” (3) do not separate each cause of action or claim for relief into different counts; and (4) assert “multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against.” *Weiland v. Palm Beach Cnty. Sheriff’s Off.*, 792 F.3d 1313, 1321–23 (11th Cir. 2015). Litigants are entitled to at least one chance to remedy the deficiencies that render a complaint an impermissible shotgun pleading. *Shabanets*, 878 F.3d at 1296.

The district court correctly concluded that Blochowicz’s amended complaint was a shotgun pleading. The amended complaint exhibited three of the four characteristics consistent with impermissible shotgun pleadings by containing multiple counts in which each count adopted all the allegations and facts of all preceding counts; conclusory, vague, and immaterial facts not obviously connected to any particular cause of action; and multiple claims against multiple defendants without specifying which of the defendants were responsible for which acts or which of the defendants the claim was brought against. And although Blochowicz

was afforded the opportunity to remedy these defects by the magistrate judge, who explained why the original complaint was defective and how to draft a satisfactory one, her amended complaint did not comply with these requirements. The district court therefore did not abuse its discretion when it dismissed without prejudice Blochowicz's shotgun complaint after she had been afforded a second opportunity to comply with the Federal Rules of Civil Procedure.

We affirm the district court's judgment.⁴

AFFIRMED.

⁴ In her appellate brief, Blochowicz makes a number of other requests of this Court, including the requests that we order United States Marshals to serve summonses on the defendants and that she be allowed to record courtroom audio using a personal device. Insofar as those requests might be construed as motions, we deny them as moot. We also deny Blochowicz's motion to expedite the mandate.