[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 22-11412

Non-Argument Calendar

PATRICK W. MARAIST,

Plaintiff-Appellant,

MARAIST LAW FIRM,

Plaintiff,

versus

HON. HOWARD COATES,
JUDGE CYMONIE ROWE,
FIFTEENTH JUDICIAL CIRCUIT COURT OF
PALM BEACH COUNTY,
ALAN B.ROSE,
ROBERT ABRUZZO,
TIMOTHY SCHULZ,
NANTUCKET ENTERPRISES, INC.,

PALM BEACH FLORIDA HOTEL AND
OFFICE BUILDING LIMITED PARTNERSHIP,
ASHFORD TRS LESSEE II, LLC,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:21-cv-81467-AMC

Before JORDAN, ROSENBAUM, and JILL PRYOR, Circuit Judges.

PER CURIAM:

Florida attorney Patrick Maraist previously represented Nantucket Enterprises, Inc. ("Nantucket") in litigation brought by Palm Beach Florida Hotel and Office Building Limiting Partnership ("PB Hotel") and Ashford TRS Lessee II, LLC ("Ashford") in Florida state court. Nantucket prevailed on the merits in state court and then sought to recover its attorney's fees. In litigation over the fees, Maraist's law firm produced redacted billing records. Later, the state court ordered Maraist's law firm to remove some of the redactions. When the law firm refused to comply with the order, the state court held it in contempt and imposed a $75,000 civil fine.

Rather than comply with the state court's order, Maraist and his law firm filed this lawsuit in federal court. They named as defendants two judges who had presided over the state court action, the Fifteenth Judicial Circuit of the State of Florida, Nantucket, the president of Nantucket, PB Hotel, Ashford, and two attorneys involved in the state court action. Maraist and the law firm brought a variety of claims arising under federal and state law. In addition, they sought to place a sum of money and a thumb drive in the registry of the court so that the court could determine in an interpleader action to whom the money and records on the thumb drive belonged. The district court dismissed all the claims. Maraist now appeals. After careful consideration of the parties' briefs and the record, we affirm.

I.

This case arises out of what was originally a landlord-tenant dispute.[1] PB Hotel and Ashford leased space to Nantucket. After the landlord-tenant relationship soured, PB Hotel and Ashford

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[1] The facts recited in this section are taken from the amended complaint, which is the operative complaint. *See Hunt v. Aimco Props., L.P.*, 814 F.3d 1213, 1218 n.2 (11th Cir. 2016) ("At the motion to dismiss stage, we accept the well-pleaded allegations in the complaint as true and view them in the light most favorable to the [non-movant]."). We also consider the documents attached to the amended complaint. *See Wilchombe v. TeeVee Toons, Inc.*, 555 F.3d 949, 959 (11th Cir. 2009). And we look to the exhibits attached to the defendants' motions to dismiss. *See Luke v. Gulley*, 975 F.3d 1140, 1144 (11th Cir. 2020) (explaining that a court may consider an exhibit attached to a motion to dismiss when it was "referred to in the complaint, central to the plaintiff's claim, and of undisputed authenticity" (internal quotation marks omitted)).

sued Nantucket for breaching the lease, and Nantucket brought a counterclaim for wrongful eviction.[2]

In the state court action, Maraist represented Nantucket. Maraist is a solo practitioner and the president of Maraist Law Firm. Nantucket signed a fee agreement providing that the law firm would be paid a contingency fee if Nantucket prevailed in the state court action.

The state court action dragged on for several years. Approximately five years into the case, Nantucket retained an additional attorney, Alan Rose of the Mrachek Law Firm, to represent it at trial. At trial, Nantucket prevailed and ultimately recovered approximately $16 million in damages, entitling Maraist's law firm to a substantial contingency fee.

In the state court action, Nantucket sought to recover its attorney's fees from PB Hotel and Ashford. As part of this fee litigation, PB Hotel and Ashford served a document request on Nantucket requesting time records for legal work Nantucket's attorneys had performed.

Maraist gathered his law firm's billing records. These records consisted of handwritten time sheets reflecting the work that Maraist performed each day for all his firm's clients. Maraist redacted these time sheets to show only those entries for work

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[2] A more detailed description of the underlying legal dispute is set forth in *Palm Beach Florida Hotel v. Nantucket Enterprises, Inc.*, 211 So. 3d 42 (Fla. Dist. Ct. App. 2016).

performed for Nantucket. The paper time sheets nearly filled a banker's box. Rose, Maraist's co-counsel, then reviewed the redacted handwritten records and created an Excel spreadsheet that showed Maraist's time entries for work performed on Nantucket's case. Nantucket produced both the spreadsheet and the redacted version of Maraist's handwritten billing records to PB Hotel and Ashford.

When PB Hotel and Ashford reviewed Maraist's billing records, they uncovered "billing discrepancies." Doc. 29-5 at 3.[3] They served a subpoena on Maraist's law firm seeking its original, unredacted billing records. In this section, we discuss the litigation over the subpoena and how it culminated in the state court holding the law firm in contempt and imposing a substantial fine. We then review the procedural history of this lawsuit, which Maraist and his law firm filed in federal court.

A.

When PB Hotel and Ashford served a subpoena on the law firm, the law firm objected. Besides objecting, the law firm filed a motion for a protective order in the state court action. The law firm also sought to intervene in the state court action. All this state court litigation was before Judge Cymonie Rowe.

As the parties were litigating these issues, Maraist suffered a serious injury. On September 1, 2019, while preparing his home for an incoming hurricane, Maraist was struck in the head by a sheet

[3] "Doc." numbers refer to the district court's docket entries.

of plywood and suffered a traumatic brain injury. Over the next few weeks, he consulted with a neurologist, who advised him to stop working. Although Maraist was experiencing "debilitating" effects from his brain injury, he did not heed his neurologist's advice. Doc. 29 at 33. He continued to work and appeared in court for hearings on motions in several cases. Some of these hearings were before Judge Rowe. According to Maraist, he was "confus[ed]" and had "cognitive difficulties" at the hearings. *Id.*

Judge Rowe scheduled a hearing for September 26 on the law firm's motion to intervene in the state court action. A few days before the hearing, on September 20, Maraist filed an emergency motion requesting a 30-day continuance because he was disabled due to the traumatic brain injury. Upon receiving the motion, Judge Rowe directed Maraist to appear in court on September 25 and bring "all medical records supporting" the continuance motion. *Id.* at 39.

The day before the hearing, Maraist informed the court that he could not make the hearing because of his medical condition and because he needed to attend a medical appointment. On September 25, he failed to attend the hearing (or send another attorney to appear on his behalf). Judge Rowe went forward with the hearing in Maraist's absence. She noted that she had not observed any signs of impairment at a recent hearing in which Maraist appeared. Judge Rowe concluded that there was "insufficient evidence to continue this case" and denied the motion for a continuance. *Id.* at 40.

A few days later, Judge Rowe denied the law firm's motion for a protective order and directed it to produce records in response to the subpoena. She ordered the law firm to produce the original billing records without redacting the date and amount of time billed on other cases so that the records would show the total amount of time Maraist billed each day across all cases. But she permitted the law firm to continue to redact the names of its other clients and descriptions of the work performed for them. She also denied the law firm's motion to intervene.

The law firm appealed. While the appeal was pending, Judge Rowe *sua sponte* recused herself from the case. The law firm then voluntarily dismissed the appeal.[4]

Back in the state trial court, the case was reassigned several times and ended up before Judge Scott Kerner. By this time, the law firm had filed a renewed motion for a protective order and also

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[4] Maraist acknowledges that the law firm filed and then dismissed the state court appeal. But he says that the firm appealed only the order denying permission to intervene and not the order denying its motion for a protective order and requiring it to produce billing records. It appears, however, that the appeal did relate to the denial of the protective order. On appeal, the law firm moved to stay the order denying a protective order and requiring it to produce documents, which suggests that the appeal was not limited to the order denying the motion to intervene.

In any event, even if the law firm did not appeal Judge Rowe's order denying a protective order and requiring it to produce records, it could have appealed that order. *See Fla. House of Representatives v. Expedia, Inc.*, 85 So. 3d 517, 520 (Fla. Dist. Ct. App. 2012) (holding that an order requiring a person who is not a party to the lawsuit to sit for a deposition is immediately appealable).

sought to revisit Judge Rowe's decision to deny a continuance. Judge Kerner denied the law firm's renewed motion for a protective order and granted it no other relief.

Because the law firm did not produce records as Judge Rowe had ordered, the state trial court ordered the law firm to show cause why sanctions should not be imposed. Judge Howard Coates, to whom the case was reassigned, held the law firm in contempt for failing to produce the records as previously ordered. By this time, more than 18 months had passed since Judge Rowe had directed the law firm to produce the billing records with revised redactions. Judge Coates found that the law firm had not shown good cause for failing to produce the records as ordered and described its actions as "willful, intentional, and in contumacious disregard" of a court order. Doc. 104-1 at 3. Judge Coates gave the law firm an additional 10 days to produce the revised billing records. He warned that if the records were not produced by this deadline, the court would impose a coercive civil fine of $1,000 per day until the law firm "purge[d] its contempt" by producing the records as described in Judge Rowe's order. *Id.* at 4.

The law firm did not produce the revised records by the new deadline. After 75 more days passed and the law firm still had not purged its contempt, Judge Coates directed the law firm "*to immediately pay*" $75,000 into the court's registry, where the money would be held pending further order from the court. Doc. 29 at 68 (emphasis in original). He warned that a $1,000 per day fine would continue to accrue until the law firm produced billing records in

compliance with Judge Rowe's order and that Maraist could be incarcerated to compel compliance. A few days later, the court entered a final judgment in the amount of $75,000 against the law firm in favor of PB Hotel, Ashford, and Nantucket.[5]

B.

Rather than produce revised billing records with fewer redactions and pay the $75,000 fine, Maraist and the law firm filed this action in federal court. Maraist represented himself and the firm. In the amended complaint, they named as defendants Judge Rowe; Judge Coates; the Fifteenth Judicial Circuit of the State of Florida; Nantucket; PB Hotel; Ashford; Robert Abruzzo, the president of Nantucket; Rose; and Timothy Schulz, an attorney for PB Hotel and Ashford. The amended complaint spanned nearly 900 paragraphs and approximately 235 pages.

The amended complaint brought a variety of claims against the defendants. The first two claims in the amended complaint were disability discrimination claims brought against Judge Rowe, Judge Coates, and the Fifteenth Judicial Circuit (collectively, the "judicial defendants"). Count One was a claim that the judicial defendants violated the Americans with Disabilities Act ("ADA").[6] Count Two was a claim that the judicial defendants violated the

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[5] The law firm appealed the judgment. A Florida appellate court recently affirmed. *See Maraist Law Firm, P.A. v. Nantucket Enters., Inc.*, 364 So. 3d 1039 (Fla. Dist. Ct. App. 2023).

[6] Title II of the ADA generally prohibits state governments and agencies from discriminating based on disability. 42 U.S.C. §§ 12131(1), 12132.

Rehabilitation Act.[7] The amended complaint alleged that Judge Rowe engaged in disability discrimination when she denied Maraist's motion for a continuance, ordered him to appear in person with medical records documenting his disability, and concluded that he was not suffering from any disability. According to the amended complaint, the disability discrimination continued when Judge Coates later held the law firm in contempt. The amended complaint also alleged that the judicial defendants retaliated against Maraist after he complained of disability discrimination.

Count Three was a conspiracy to abuse process claim brought under Florida law against Nantucket, PB Hotel, Ashford, and Abruzzo. The amended complaint alleged that, in the course of representing Nantucket, Maraist "uncovered a decades' long issue of public corruption and concealment of toxic containment of groundwater, waterways[,] and soils" in Palm Beach County, and these defendants conspired against him to continue the coverup. Doc. 29 at 17. These defendants also allegedly conspired to subpoena billing records from Maraist's law firm for the improper purpose of "effect[ing] a cancel culture of [Maraist] from the practice of law." *Id.* at 166. The amended complaint alleged that the $75,000 contempt judgment was a "sham" and that any attempt to collect the judgment was an abuse of process. *Id.* at 171.

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[7] The Rehabilitation Act prohibits disability discrimination in connection with "any program or activity receiving Federal financial assistance." 29 U.S.C. § 794(a).

In Counts Four through Six, Maraist and the law firm claimed that several of the defendants conspired to violate their constitutional rights and thus were liable under 42 U.S.C. § 1983. These claims were brought against Judge Rowe, Judge Coates, Nantucket, PB Hotel, Ashford, and Abruzzo. According to the amended complaint, these defendants conspired to deny Maraist and his law firm equal protection (Count 4), substantive due process (Count 5), and procedural due process (Count 6). The amended complaint alleged that Maraist was a member of a protected class due to his "permanent disabilities" and that he was "intentionally treated" differently than other similarly situated attorneys who were not disabled. *Id.* at 180–81. Maraist and the law firm also claimed that Judge Rowe's arbitrary decision to deny a continuance interfered with Maraist's liberty, including his right to make "decisions to pursue and receive life saving urgent medical procedures" to treat his brain injury and thus violated his constitutional right to substantive due process. *Id.* at 191. The amended complaint further alleged that the state court judges failed to afford adequate procedures before depriving Maraist of liberty, violating his right to procedural due process.

The final count in the amended complaint, Count 7, was a claim for an "Action in Nature of Interpleader" brought under 28 U.S.C. § 1335. *Id.* at 214. This count was brought against Abruzzo, Nantucket, PB Hotel, and Ashford, as well as Rose and Schulz. With this claim, Maraist sought to deposit into the court's

registry a cashier's check for $83,500,[8] and the law firm sought to deposit a thumb drive that contained its billing records.

In the amended complaint, Maraist and the law firm demanded a variety of remedies. They sought damages and declaratory and injunctive relief. In addition, with respect to the interpleader request, they asked the court to determine ownership of the money and the thumb drive deposited into the court's registry and to conclude that the money belonged to Maraist and the thumb drive to his law firm.

The defendants moved to dismiss the amended complaint. The district court granted the motions and dismissed all claims with prejudice. The court concluded that Judges Rowe and Coates were entitled to judicial immunity because all the claims against them arose from actions taken in their "judicial capacity." Doc. 115 at 10. In addition, the district court dismissed the claims against the Fifteenth Judicial Circuit, concluding that it was entitled to quasi-judicial immunity.

The district court also dismissed the claims against the other defendants. The district court concluded that Count Three—the state-law claim for abuse of process—was barred by Florida's litigation privilege, which afforded absolute immunity for acts occurring during the course of judicial proceedings. In addition, the district court dismissed the § 1983 claims in Counts Four through Six

[8] The check was for $83,500 (as opposed to $75,000) to cover additional fines that had accrued and some of the defendants' attorney's fees.

against Abruzzo, Nantucket, PB Hotel, and Ashford because Maraist and the law firm failed to state a claim for relief against these defendants. The court explained that because these defendants were private parties, they could be held liable under § 1983 only if their conduct was "fairly attributable to the State." Doc. 116 at 6 (internal quotation marks omitted). And the court concluded that the amended complaint failed to plausibly allege that these defendants' conduct could be fairly attributed to the State; thus, it failed to state a § 1983 claim against them.

The district court also dismissed the statutory claim for interpleader in Count 7.[9] The court explained that it had discretion to abstain from resolving an interpleader claim when "a state action

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[9] Shortly after filing the amended complaint, Maraist and the law firm filed a motion for a restraining order, asking the district court to enjoin state court proceedings related to the contempt fine and production of the law firm's billing records. They sought this restraining order pursuant to 28 U.S.C. § 2361, which permits a district court to enter an order restraining a claimant from instituting or prosecuting any proceeding in state or federal court affecting the property in an interpleader action.

The district court denied the motion for a restraining order. The court explained that it had "extensive discretion" when deciding whether to issue an injunction under § 2361 and declined to issue an injunction. Doc. 88 at 2 (internal quotation marks omitted). After the district court denied the motion for a restraining order, Maraist and the law firm paid money into the state court registry as ordered by Judge Coates and produced copies of the billing records with the revised redactions as ordered by Judge Rowe. Maraist and the law firm then filed a notice in the district court purporting to voluntarily dismiss the interpleader count as moot. But later the same day, they withdrew the notice.

commenced earlier provide[d] an adequate" forum to address ownership of the money or items at issue. *Id.* at 11 (internal quotation marks omitted). The district court decided to abstain from resolving the interpleader claim because the state litigation provided an adequate forum to litigate the ownership of the money and records on the thumb drive.

After the district court dismissed all the claims, Maraist and the law firm moved for reconsideration. They argued that the district court should have allowed them to file a second amended complaint to add additional allegations to support their claims. They also argued that the district court made "factual errors" when granting the motions to dismiss. Doc. 120 at 2; Doc. 121 at 2.

The district court denied the motion for reconsideration. It concluded that the additional allegations that Maraist and the law firm wanted to add by amendment were "cumulative of the allegations" already contained in the amended complaint. Doc. 124 at 6. In addition, the district court determined that Maraist and the law firm had raised arguments that the court had already rejected, noting that "[a] motion for reconsideration is not a tool for relitigating what a court has already decided." *Id.* at 7.

This is Maraist's appeal.[10]

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[10] Maraist also has three other appeals pending before this Court. In those appeals, he challenges orders that the district court entered after he filed the notice appealing the dismissal of his claims. Those other appeals challenge district court orders (1) awarding Nantucket attorney's fees, (2) imposing

II.

Several standards of review are relevant to this appeal. We review *de novo* the district court's grant of a motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *See Am. Dental Ass'n v. Cigna Corp.*, 605 F.3d 1283, 1288 (11th Cir. 2010). In our review, we accept the allegations in the amended complaint as true and construe them in the light most favorable to the plaintiff. *Id.* Although a complaint "does not need detailed factual allegations," the plaintiff must provide "more than labels and conclusions, and a formulaic recitation of a cause of action's elements will not do." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (internal quotation marks omitted). A complaint must contain "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation marks omitted). "A district court may properly dismiss a complaint if it rests only on conclusory allegations, unwarranted factual deductions or legal conclusions masquerading as facts." *Cox v. Nobles*, 15 F.4th 1350, 1357 (11th Cir. 2021) (internal quotation marks omitted).

We review *de novo* a district court's dismissal of a claim based on judicial immunity. *Smith v. Shook*, 237 F.3d 1322, 1325 (11th Cir. 2001).

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sanctions against Maraist and his law firm, and (3) denying a motion to recuse. Those orders are not before the Court in this appeal.

We review for abuse of discretion a district court's decision to dismiss an interpleader action due to the pendency of parallel state court proceedings. *See NYLife Distribs., Inc. v. Adherence Grp., Inc.*, 72 F.3d 371, 372 (3d Cir. 1995); *see also Tokyo Gwinnett, LLC v. Gwinnett Cnty.*, 940 F.3d 1254, 1266 (11th Cir. 2019) (reviewing abstention decision for abuse of discretion).

We review for abuse of discretion the denial of a motion for leave to amend a complaint. *See Williams v. Bd. of Regents of Univ. Sys.*, 477 F.3d 1282, 1291 (11th Cir. 2007).

Although we ordinarily liberally construe *pro se* pleadings, this rule does not apply when the *pro se* litigant is a lawyer. *See Hornsby-Culpepper v. Ware*, 906 F.3d 1302, 1306 n.1 (11th Cir. 2018).

III.

There are five issues pending before us in this appeal:

1. Whether the district court erred when it dismissed the claims against the judicial defendants based on judicial or quasi-judicial immunity.

2. Whether the district court erred when it dismissed the state law abuse of process claim in Count Three based on Florida's litigation privilege.

3. Whether the district court erred in dismissing the § 1983 claims in Counts Four through Six against Abruzzo, Nantucket, PB Hotel, and Ashford because the amended complaint failed to adequately allege that these defendants were state actors.

4. Whether the district court erred when it dismissed the interpleader claim in Count Seven.

5. Whether the district court erred in denying Maraist's request in the motion for reconsideration to file a second amended complaint.

We conclude that none of the issues has merit.

A.

We begin by considering whether the district court erred when it dismissed the claims against the judicial defendants.[11] Maraist argues that the district court erred in concluding that Judges Rowe and Coates were entitled to judicial immunity and that the Fifteenth Judicial Circuit was entitled to quasi-judicial immunity.

Judges enjoy absolute immunity from damages when acting in a judicial capacity "unless they acted in the clear absence of all jurisdiction." *Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000) (internal quotation marks omitted). Therefore, a judge is entitled to immunity unless she acted clearly outside the subject matter jurisdiction of her court. *Dykes v. Hosemann*, 776 F.2d 942, 948 (11th Cir. 1985). We have cautioned it will be a "rare circumstance" when a judge acts outside her subject matter jurisdiction. *McCullough v.*

[11] As a reminder, Count One (the ADA discrimination claim) and Count Two (the Rehabilitation Act discrimination claim) were brought against all three judicial defendants (Judge Coates, Judge Rowe, and the Fifteenth Judicial Circuit). The § 1983 claims raised in Counts Four through Six were brought against Judges Coates and Rowe.

Finley, 907 F.3d 1324, 1332 (11th Cir. 2018). A judge thus enjoys "absolute immunity for judicial acts regardless of whether [s]he made a mistake, acted maliciously, or exceeded his authority." *Id.* at 1331.

Counts One and Two alleged that the judges were liable under the Americans with Disability Act and the Rehabilitation Act because of orders they entered in the fee dispute in the state court action. Counts Four through Six asserted that the judges were liable under § 1983 because their decisions in the state court action denied Maraist and his law firm equal protection under the law, substantive due process, and procedural due process. Judges Rowe and Coates enjoy judicial immunity from these claims for damages because the claims challenge orders each judge entered in the state court action, and the judges were squarely acting in a judicial capacity when they issued these orders. *See Bolin*, 225 F.3d at 1239.

Maraist nevertheless argues that judicial immunity does not apply because the judges acted in the clear absence of authority. He says that the judges exceeded their authority when they issued orders compelling the law firm to produce documents in response to PB Hotel and Ashford's subpoena and later when they held the law firm in contempt. He points out that under Florida Rule of Civil Procedure 1.351, when a nonparty objects to a subpoena seeking documents, the objection terminates the obligation to produce documents. Because the law firm objected to the subpoena and PB Hotel and Ashford never filed a motion seeking a ruling on the objections, Maraist says, the state court judges had no authority under

Florida law to order the law firm to produce documents pursuant to the subpoena or hold it in contempt for failing to comply with the subpoena.

This argument misses the mark. As we noted above, the relevant question for judicial immunity purposes is whether the judges acted clearly outside the subject matter jurisdiction of their court. *See McCullough*, 907 F.3d at 1332. Even assuming that Maraist's arguments about Florida law are correct, they show, at most, that the judges made mistakes of law in ordering the law firm to produce documents in response to the subpoena after it had objected. But establishing a mistake of law does not mean that the judges were not entitled to judicial immunity. *See id.* at 1331.

In fact, the state court had subject matter jurisdiction when the judges entered the orders requiring the law firm to produce documents and finding it in contempt of court. There is no dispute that the state court had subject matter jurisdiction over the underlying action, which arose from a landlord-tenant dispute. *See* Fla. Stat. § 34.011(1) (recognizing that a circuit court has authority to adjudicate landlord-tenant cases). After resolving the merits of the landlord-tenant action, the state court retained jurisdiction to resolve Nantucket's claim for attorney's fees as the prevailing party in that litigation. *See Finkelstein v. N. Broward Hosp. Dist.*, 484 So. 2d 1241, 1243 (Fla. 1986) (recognizing state court has "continuing jurisdiction" to entertain prevailing party's request for attorney's fees). And in resolving the attorney's fees issue, the court had "the inherent power to do those things necessary to enforce its orders,

to conduct its business in a proper manner, and to protect the court from acts obstructing the administration of justice," including by exercising its contempt powers. *Levin, Middlebrooks, Mabie, Thomas, Mayes & Mitchell, P.A. v. U.S. Fire Ins. Co.*, 639 So. 2d 606, 608–09 (Fla. 1994). We thus cannot say that the judges acted in the clear absence of all jurisdiction when they issued the challenged orders in the state court case. *See Williams v. Sepe*, 487 F.2d 913, 914 (5th Cir. 1973) (holding that state court judge enjoyed judicial immunity because he did not act in the clear absence of jurisdiction even though he failed to comply with procedures set forth in the Florida Rules for Criminal Procedure).[12] It thus follows that Judges Rowe and Coates are entitled to judicial immunity.

Maraist also argues that the Fifteenth Judicial Circuit is not entitled to quasi-judicial immunity. Quasi-judicial immunity, which derives from absolute judicial immunity, entitles non-judicial officials to immunity when their official duties have an integral relationship with the judicial process. *Roland v. Phillips*, 19 F.3d 552, 555 (11th Cir. 1994). Maraist admits that if the judges are entitled to judicial immunity, then the Fifteenth Judicial Circuit is entitled to quasi-judicial immunity. Given our conclusion that the judges are entitled to judicial immunity, we conclude that the Fifteenth

[12] In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), we adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

Judicial Circuit is entitled to quasi-judicial immunity. We thus affirm the dismissal of all claims against the judicial defendants.[13]

B.

We next consider whether the district court erred when it dismissed Count Three, the abuse of process claim brought against Abruzzo, Nantucket, PB Hotel, and Ashford. This claim arose out of filings these defendants submitted in the state court action. We agree with the district court that this claim is barred by Florida's litigation privilege.

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[13] Although judicial immunity protects judges from suits for money damages brought against them in their individual capacities, it does not necessarily protect them from lawsuits brought against them in their official capacities or seeking declaratory or injunctive relief. *See Bolin*, 225 F.3d at 1239.

We need not decide whether the district court erred in dismissing Counts One, Two, Four, Five, and Six to the extent those claims were brought against the judges in their official capacities and/or sought injunctive or declaratory relief because Maraist has not adequately raised any issue on appeal challenging the dismissal of these claims. To adequately raise an issue on appeal, an appellant must "plainly and prominently" raise the issue. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014) (internal quotation marks omitted). Here, Maraist's only argument about the dismissal of these counts is that the district court should have concluded that the judges clearly acted without jurisdiction and thus were not entitled to judicial immunity. Because Maraist did not plainly and prominently raise any other challenge to the dismissal of these counts, we conclude that he abandoned any challenge based on the claims having been brought against the judges in their official capacities or seeking declaratory or injunctive relief. *See id.*; *see also United States v. Campbell*, 26 F.4th 860, 872 (11th Cir. 2022) (en banc).

The litigation privilege affords litigants "absolute immunity" for any act "occurring during the course of a judicial proceeding, regardless of whether the act involves . . . tortious behavior . . . so long as the act has some relation to the proceeding." *Levin, Middlebrooks, Mabie, Thomas, Mayes & Mitchell, P.A.*, 639 So. 2d at 608. Florida courts have recognized that the immunity afforded by the litigation privilege extends to abuse of process claims. *See LatAm Invs., LLC v. Holland & Knight, LLP*, 88 So. 3d 240, 242 (Fla. Dist. Ct. App. 2011). Because the conduct that forms the basis of the abuse of process claim occurred in the state court action, we conclude that these defendants enjoyed the litigation privilege and the district court properly dismissed Count Three.

C.

We now turn to whether the district court erred when it dismissed the § 1983 claims against Abruzzo, Nantucket, PB Hotel, and Ashford in Counts Four through Six. The district court dismissed these claims because it concluded that there were no well-pled allegations in the amended complaint establishing that these defendants acted under the color of state law.

We conclude that Maraist failed to preserve any challenge to the dismissal of his § 1983 claims against these defendants. The entirety of his argument in his opening brief addressing the dismissal of these claims consists of one paragraph, which states that the amended complaint "fully allege[d]" that these defendants were state actors, without any further elaboration. Appellant's Br. at 30. Because Maraist raised this issue in a "perfunctory manner" and

made only "passing reference[]" to it, he has not adequately raised this issue on appeal and thus has abandoned it. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014); *United States v. Campbell*, 26 F.4th 860, 872 (11th Cir. 2022) (en banc).

D.

We next review whether the district court abused its discretion when it dismissed Count Seven, the interpleader claim. We conclude it did not.

Interpleader is the means by which the holder of an asset can "avoid[] multiple liability by asking the court to determine the asset's rightful owner." *In re Mandalay Shores Co-op. Hous. Ass'n Inc.*, 21 F.3d 380, 383 (11th Cir. 1994); *see Zelaya/Cap. Int'l Judgment, LLC v. Zelaya*, 769 F.3d 1296, 1302 (11th Cir. 2014) (stating "[t]he core purpose" of interpleader "is to relieve a party who holds a contested fund from responsibility for disbursement of that fund among those claiming some entitlement thereto" (internal quotation marks omitted)). Federal law gives district courts original jurisdiction over an interpleader action filed by a person with money or property of $500 or more in his possession if: (1) two or more adverse claimants, of diverse citizenship, claim or may claim entitlement to the money or property; and (2) the plaintiff deposited the disputed money or property into the registry of the court. 28 U.S.C. § 1335; *see Litton Indus. Automation Sys., Inc. v. Nationwide Power Corp.*, 106 F.3d 366, 368 (11th Cir. 1997) (noting that § 1335 requires diversity among at least two of the defendants in the interpleader action). Even when these two requirements are satisfied, a

district court may choose to abstain and dismiss an interpleader action if an earlier-commenced state court action "provides an adequate remedy" to determine the ownership of the relevant assets. 5 Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 1704 (3d ed. April 2023); *see Wasau Ins. Cos. v. Gifford*, 954 F.2d 1098, 1101 (5th Cir. 1992) (interpleader "does not provide a method of forum shopping for parties disappointed with the outcome of their . . . motions in state court"); *Indianapolis Colts v. Mayor & City Council of Balt.*, 733 F.2d 484, 486–87 (7th Cir. 1984) (explaining that the federal interpleader statute should not be used for "forum shopping").

Here, the district court did not abuse its discretion when it dismissed the interpleader action because the earlier-filed state court action provided an adequate forum to adjudicate any disputes regarding the ownership of the funds and the thumb drive placed into the court's registry. Indeed, at the time that Maraist and the law firm filed this action, the state court had already ordered the law firm to produce its billing records with fewer redactions, found it in contempt for failing to comply with that order, and directed it to pay a $75,000 fine. To the extent that the law firm disagreed with these orders, it had the opportunity to appeal them. We thus conclude that the state court action provided an adequate forum to litigate issues related to the production of the law firm's billing records and the imposition of the contempt fine.

E.

Lastly, Maraist argues that the district court abused its discretion when it denied the motion for reconsideration in which he and the law firm sought leave to file a second amended complaint. A district court must freely give leave to amend when justice so requires. Fed. R. Civ. P. 15(a). But a district court is not required to give leave to amend when an amendment would be futile. *See Cockrell v. Sparks*, 510 F.3d 1307, 1310 (11th Cir. 2007) (recognizing that granting leave to amend is futile "when the complaint as amended would still be properly dismissed"). Here, the district court refused to give Maraist and the law firm another opportunity to amend their complaint because it concluded that amendment would be futile. Because Maraist does not raise any argument in his opening brief on appeal challenging the district court's futility determination, we conclude that he abandoned any challenge to it. *See Sapuppo*, 739 F.3d at 681.[14]

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[14] In his reply brief, Maraist argues that the district court judge should have recused herself because her orders show that she was biased against him. But this argument comes too late. *See Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) ("[W]e do not address arguments raised for the first time in a . . . reply brief.").

Even assuming that Maraist had adequately raised the recusal issue on appeal, the district court judge did not abuse her discretion in failing to *sua sponte* recuse. A judge must recuse herself "in any proceeding in which [her] impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The standard for recusal under § 455(a) is "whether an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge's impartiality." *United States v. Patti*, 337 F.3d 1317, 1321 (11th Cir. 2003) (internal quotation marks omitted). In general, "bias sufficient to disqualify a judge must stem

IV.

For the above reasons, we affirm the district court's judgment.[15]

AFFIRMED.

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from extrajudicial sources" unless a "judge's remarks in a judicial context demonstrate such pervasive bias and prejudice that it constitutes bias against a party." *Thomas v. Tenneco Packaging Co.*, 293 F.3d 1306, 1329 (11th Cir. 2002) (internal quotation marks omitted). The Supreme Court has recognized that "judicial rulings alone almost never constitute a valid basis for a bias . . . motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994). After reviewing the record before us, we cannot say that an objective, disinterested, lay observer would entertain a significant doubt about the district court judge's impartiality in this matter.

[15] All motions currently pending before the Court are DENIED.