

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

MAURICE O. TAYLOR II,

Plaintiff,

v.

Case No. 6:16-cv-2220-Orl-37KRS

ADVENTIST HEALTH SYSTEM;  
DR. RODRIGO NEHGME; DR. JOHN  
CHEESEBREW; DR. STEVEN DAVIS;  
CITY OF MAITLAND FIRE RESCUE  
DEPARTMENT CHIEF KIM NEISLER;  
RDV PROPERTIES, INC.; CIGNA  
CORPORATION; and PHILIPS  
HEALTHCARE INFORMATICS INC.,

Defendants.

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**ORDER**

This action is before the Court on the following:

- (1) Defendant's Steven Davis, M.D., Unopposed Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 19), filed January 31, 2017;
- (2) Defendant Adventist Health System's Motion to Dismiss (Doc. 20), filed February 6, 2017;
- (3) Defendant's, Rodrigo Nehgme, M.D., Motion to Quash Service of Process and to Dismiss Plaintiff's Amended Complaint (Doc. 21), filed February 10, 2016; and
- (4) The Court's *sua sponte* review of the grounds for its exercise of subject matter jurisdiction.

**BACKGROUND**

Proceeding *pro se*, Plaintiff initiated this action on **December 27, 2016**, by filing a

completed blank form provided by this Court to create and file civil complaints (“**Initial Complaint**”). (See Doc. 1.) Upon *sua sponte* review, the Court directed Plaintiff to show cause why the action should not be dismissed for want of subject matter jurisdiction. (Doc. 10 (“**Show Cause Order**”).) Upon consideration of Plaintiff’s timely response (Doc. 13 (“**Response**”)), which asserted that the Court may exercise federal question jurisdiction based on two criminal statutes (“**Statutes**”)—18 U.S.C. § 371 (criminal conspiracy) and § 1347(A)(1)(2)(b) (criminal health care fraud)—the Court dismissed the Initial Complaint and closed this action because the identified Statutes do not authorize private civil actions. (Doc. 15 (“**January Order**”).)

Five days after the Court closed this action, Plaintiff filed an unauthorized Amended Complaint against Defendants Adventist Health System (“**Adventist**”), RDV Properties (“**RDVP**”), Dr. Rodrigo Nehgme (“**Dr. Nehgme**”), Dr. John Cheesebrew (“**Dr. Cheesebrew**”), Dr. Steven Davis, City of Maitland Fire Rescue Department Chief Kim Neisler, Cigna Corporation, and Philips Healthcare Informatics, Inc. (See Doc. 18, pp. 2–4.) Adventist, Dr. Davis, and Dr. Nehgme all filed motions to dismiss. (Docs. 19, 20, 21.) Although Plaintiff has not yet responded to these motions, the Court must again dismiss in accordance with its duty to “zealously insure that jurisdiction exists.” See *Smith v. GTE Corp.*, 236 F.3d 1292 (11th Cir. 2011).

## **DISCUSSION**

The “Statement of Claim” in the Amended Complaint—like the Initial Complaint—concerns a “medical event” that initially occurred at RDVP and ultimately resulted in allegedly unnecessary and unwanted heart surgery. (See Doc. 18, pp. 7–11.) Plaintiff’s discrete claims against the various Defendants are for medical malpractice, negligence,

“lack of intervention,” and criminal conspiracy to commit health care fraud (“**Conspiracy Claim**”). (See *id.*) As he did in his Response, Plaintiff contends that the Court has “federal question” jurisdiction over this action based on the criminal Statutes. (See *id.* at 5.) Accordingly, as in the January Order, the Court again finds that Plaintiff has failed to establish that any grounds exist to support this Court’s exercise of subject matter jurisdiction in this action. (See Doc. 15, p. 2.) Because the Amended Complaint is due to be dismissed, the pending motions are due to be denied as moot.


### **CONCLUSION**

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. The Amended Complaint (Doc. 10) is **DISMISSED** for lack of subject matter jurisdiction.
2. Defendant’s Steven Davis, M.D., Unopposed Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 19) is **DENIED AS MOOT**.
3. Defendant Adventist Health System’s Motion to Dismiss (Doc. 20) is **DENIED AS MOOT**.
4. Defendant’s, Rodrigo Nehgme, M.D., Motion to Quash Service of Process and to Dismiss Plaintiff’s Amended Complaint (Doc. 21) is **DENIED AS MOOT**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on February 14, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record

Pro Se Party