

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

JOHN DOE,

Plaintiff,

v.

Case No. 6:16-cv-2232-Orl-37KRS

ROLLINS COLLEGE; JESSICA
NARDUCCI; ORIANA JIMINEZ;
KEN MILLER; REBECCA DECESARE;
and MEGHAN HARTE WEYANT,

Defendant.

ORDER

This cause is before the Court on its own initial review of Plaintiff's Complaint (Doc. 1), filed December 28, 2016. Upon review, the Court finds that the Complaint is due to be dismissed as an impermissible shotgun pleading.

LEGAL STANDARDS

A shotgun complaint "contains several counts, each one incorporating by reference the allegations of its predecessors, leading to a situation where most of the counts . . . contain irrelevant factual allegations and legal conclusions." *Strategic Income Fund, LLC v. Spear, Leeds & Kellogg Corp.*, 305 F.3d 1293, 1295 (11th Cir. 2002). The Court is therefore faced with the onerous task of sifting out irrelevancies in order to determine which facts are relevant to which causes of action. See *id.* Such shotgun pleadings are "altogether unacceptable," and it is the Court's obligation to force Plaintiff to replead. *Cramer v. Florida*, 117 F.3d 1258, 1263 (11th Cir. 1997).

DISCUSSION

Here, John Doe has named six Defendants—Rollins College (“**Rollins**”), Jessica Narducci (“**JN**”), Oriana Jiminez (“**OJ**”), Ken Miller (“**KM**”), Rebecca Decesare (“**RD**”), and Meghan Harte Weyant (“**MW**”)—in its seven count Complaint; however, he did not specify which Defendant is named in which of the seven counts. (See Doc. 1.) Further, each count improperly “repeats and realleges each and every allegation hereinabove as if fully set forth herein.” (See *id.* ¶¶ 109, 125, 138, 144, 148, 158, 165.) In the context of Plaintiff’s 46-page Complaint, this shotgun style of pleading simply cannot be tolerated. Plaintiff will be afforded an opportunity to replead, and if he chooses to do so, he must clearly delineate which factual allegations are relevant to each claim and which defendants are named in each count.


CONCLUSION

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

1. Plaintiff’s Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
2. On or before **January 20, 2016**, Plaintiff may file an amended complaint that complies in all respects with this Order, the Federal Rules of Civil Procedure, and the Court’s Local Rules.
3. If Plaintiff does not file an amended complaint in the time prescribed, this action may be dismissed without further notice.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 4, 2017.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record