UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ANUNKA DILLARD,

Plaintiff,

v. Case No. 6:17-cv-285-Orl-37KRS

CREDIT PROTECTION ASSOCIATION, L.P.,

Defendants.

ORDER

This cause is before the Court on its own motion.

On February 17, 2017, Plaintiff initiated the instant action. (Doc. 1.) Upon review of the Complaint, the Court finds that it is due to be dismissed as an impermissible shotgun pleading.

A shotgun complaint "is [one] containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint." *Weiland v. Palm Beach Cty. Sheriff's Office*, 792 F.3d 1313, 1321 (11th Cir. 2015). Such pleadings impose on the Court the onerous task of sifting out irrelevancies to determine which facts are relevant to which causes of action. *See id.* at 1323. Described as "altogether unacceptable," by the U.S. Court of Appeals for the Eleventh Circuit, when a shotgun pleading is filed in this Court, repleader is required. *Cramer v. Florida*, 117 F.3d 1258, 1263 (11th Cir. 1997); *see also Paylor v. Hartford Fire Ins. Co.*, 748 F.3d 1117, 1125–28 (11th Cir. 2014). If the Court does not require repleader, then "all is lost." *Johnson Enters. of Jacksonville, Inc. v. FPL Grp., Inc.*, 162 F.3d 1290, 1333 (11th Cir. 1998).

As Count II of the Complaint incorporates the allegations of Count I (*see* Doc. 1, p. 4), the Complaint constitutes an impermissible shotgun pleading and must be dismissed. If Plaintiff chooses to replead, the amended complaint must clearly delineate which factual allegations are relevant to each claim.

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

1. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
2. On or before Tuesday, **March 7, 2017**, Plaintiffs may refile an amended complaint consistent with the directives of this Order. Failure to refile may result in this action being closed without further notice.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 21, 2017.

ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record