

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MARK BRIVIK,

Plaintiff,

v.

Case No. 8:11-cv-2101-T-33TGW

OFFICER CLAUDIA LAW, ET AL.,

Defendants.

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**ORDER**

This matter comes before the Court pursuant to Officer Claudia Law's Motion to Strike Plaintiff's Unauthorized Amended Complaint (Doc. # 63), filed on March 30, 2012. For the reasons that follow, the Court grants the Motion.

**Discussion**

Plaintiff initiated this civil rights action on September 15, 2011, after he was arrested on 23 securities and securities fraud charges. (Doc. # 1). Plaintiff spent 24 days in jail. The criminal charges were dropped after approximately 6 months. Plaintiff sues Officer law and Plaintiff's six co-investors, who cooperated with Officer Law, under 42 U.S.C. § 1983 for false arrest and malicious prosecution. He also sues Defendants for state law false arrest and malicious prosecution. Plaintiff alleges that his reputation has been damaged, that he has experienced emotional pain and suffering, and that he has incurred financial losses.

Defendants Richard Zimmerman, Steve Murray, Ronald Carr, and Officer Law filed Motions to Dismiss. (Doc. ## 9, 17, 19, 32). This Court held a hearing on the Motions to Dismiss on February 23, 2012. (Doc. # 40). The Court orally granted Zimmerman, Murray, and Carr's Motions to Dismiss without prejudice and allowed Plaintiff to file an amended complaint against Zimmerman, Murray, and Carr. (Doc. # 41). The Court granted Officer Law's Motion to Dismiss and determined that it was appropriate to dismiss Officer Law with prejudice based on the defenses of qualified immunity and sovereign immunity. At the conclusion of the hearing, the Court directed counsel for Officer Law to submit a proposed order to the Court reflecting the Court's decision to dismiss Officer Law with prejudice. (Doc. # 40).

Counsel for Officer Law timely submitted his proposed order to the Court; however, counsel for Plaintiff lodged an objection to the proposed order. The parties are currently embroiled in a dispute concerning the proposed order and, among other arguments, Plaintiff contends that Officer Law committed a fraud upon the Court during the February 23, 2012, hearing. Officer Law's submission regarding the proposed order and the alleged fraud upon the Court is due April 3, 2012, and this Court will address that matter without delay as

soon as each party has been fully heard.

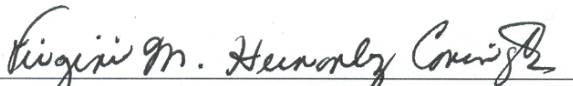
The Court now turns its attention to the Amended Complaint filed on March 27, 2012. (Doc. # 57). Despite the Court's oral ruling that Officer Law is dismissed from this action with prejudice, Plaintiff included complaint counts against Officer Law in the Amended Complaint. Accordingly, the Court strikes the Amended Complaint. Plaintiff may re-file the Amended Complaint, absent complaint counts against Officer Law, by April 12, 2012.

Accordingly, it is hereby

**ORDERED, ADJUDGED, and DECREED:**

- (1) Officer Claudia Law's Motion to Strike Plaintiff's Unauthorized Amended Complaint (Doc. # 63) is **GRANTED**. The Clerk is directed to strike the Amended Complaint (Doc. # 57).
- (2) Plaintiff may re-file the Amended Complaint, absent complaint counts against Officer Law, by April 12, 2012.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 3rd day of April 2012.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record