

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ALEXANDRA LOVE PROSPEROUS,

Plaintiff,

v.

Case No. 8:17-cv-996-T-33MAP

KIMBERLY TODD, et al.,

Defendants.

_____/

ORDER

This matter comes before the Court sua sponte. On April 28, 2017, Plaintiff Alexandra Love Prosperous, who is proceeding pro se, instituted this action against thirty-three defendants. (Doc. # 1). For the reasons below, the Complaint is dismissed without prejudice and with leave to amend. If Prosperous wishes to proceed with this action, she should file an amended complaint by June 3, 2017.

Discussion

To begin, the Complaint filed by Prosperous consists of a filled-in form provided by the Clerk's Office and an attachment that provides more detail with respect to the factual allegations giving rise to the Complaint. (Doc. # 1). While a plaintiff may attach documents to a complaint, for example a public record or contract that is relevant to an

action, the complaint itself should be comprised of a single document. Thus, if Prosperous files an amended complaint, she should draft it as a single document.

Furthermore, given the multitude of claims and defendants, the Court advises Prosperous of the pleading requirements under the Federal Rules of Civil Procedure and Eleventh Circuit precedent. A complaint must contain "a short and plain statement of the claim showing that the [plaintiff] is entitled to relief." Fed. R. Civ. P. 8(a)(2). In addition, "[e]ach allegation must be simple, concise, and direct." Fed. R. Civ. P. 8(d). And, "[a] party must state its claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances. . . . If doing so would promote clarity, each claim founded on a separate transaction or occurrence . . . must be stated in a separate count" Fed. R. Civ. P. 10(b). "These rules work together to require the [plaintiff] to present [her] claims discretely and succinctly, so that [her] adversar[ies] can discern what [she] is claiming and frame a responsive pleading." Fikes v. City of Daphne, 79 F.3d 1079, 1082 (11th Cir. 1996).

Relatedly, shotgun pleadings are not permitted within the Eleventh Circuit. There are four types of shotgun pleadings: (1) "a complaint 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"; (2) a complaint . . . replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action"; (3) a "pleading . . . that [does] . . . not separat[e] into a different count each cause of action or claim for relief"; and (4) a complaint . . . asserting multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against." Weiland v. Palm Beach Cty. Sheriff's Office, 792 F.3d 1313, 1322-23 (11th Cir. 2015). Each "type[] of shotgun pleading[] . . . fail[s] . . . to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests." Id. at 1323.

If Prosperous elects to file an amended complaint, she should list each claim to relief, along with the facts supporting that particular claim, under a separate count. Additionally, if Prosperous asserts the same claim against multiple defendants under a single count, she should ensure it is clear which defendant is alleged to have done which act.

Moreover, although Prosperous attempts to assert claims under the first ten Amendments to the United States Constitution, many of those Amendments are simply not implicated by the alleged conduct. For instance, Prosperous includes no allegations as to how the Second (right to bear arms), Third (no quartering of soldiers), Seventh (right to trial by jury in suits at common law), Ninth (preserving rights not enumerated), and Tenth (powers reserved to the states or the people) Amendments have been violated. If Prosperous files an amended complaint, she should only list the Amendments that are implicated by the facts she alleges.

The Court also notes it does not sit in an appellate capacity over state-court proceedings. See Harper v. Chase Manhattan Bank, 138 F. App'x 130 (11th Cir. 2005) ("Under the Rooker-Feldman abstention doctrine, it is well-settled that a federal district court lacks jurisdiction to review, reverse, or invalidate a final state court decision."); Sitton v. United States, 413 F.2d 1386, 1389 (5th Cir. 1969) ("The jurisdiction possessed by the District Courts of the United States is strictly original. A federal district court has no original jurisdiction to reverse or modify the judgment of a state court. Federal courts have no authority to act as an appellate arm of the state courts."). Additionally, in

considering if and how to amend her complaint, Prosperous is encouraged to consider the effect judicial immunity, quasi-judicial immunity, and qualified immunity may have on this action.

Plaintiff should review the "Proceeding Without a Lawyer" section of the court's website. Of particular note is the Handbook designed to help guide pro se litigants. Also, there is a legal assistance program on Tuesdays from 11:00 a.m. to 1:00 p.m. on the second floor of the Sam A. Gibbons United States Courthouse where pro se litigants may consult with a lawyer on a limited basis for free. A description of this program may be found on the court's website under the "Proceeding Without a Lawyer" section.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Plaintiff Alexandra Love Prosperous' Complaint (Doc. # 1) is **DISMISSED WITHOUT PREJUDICE**.
- (2) Plaintiff Alexandra Love Prosperous may file an amended complaint **by June 3, 2017**. If she elects to file an amended complaint, Prosperous must comply with the pleading requirements as outlined in this Order.

(3) Failure to file an amended complaint **by June 3, 2017**, will result in dismissal of this action without further notice.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 3rd day of May, 2017.

