

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JEANETTE BRAXTON SECRET, ET AL.,

Plaintiffs,

Case No. 8:17-cv-1830-T-33TBM

v.

PHIL ROE, ET AL.,

Defendants.

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ORDER

This matter is before the Court pursuant to pro se Plaintiff Jeanette Braxton Secret's Motion for Referral to Arbitration (Doc. # 12), which was filed on August 21, 2017. As explained below, the Court denies the Motion without prejudice as prematurely asserted.

Discussion

Plaintiffs Jeanette Braxton Secret, Carmen Braxton, Jeanette Braxton Secret Family Trust, and Andrew K. Jones Family Trust initiated this action on July 31, 2017, naming the following Defendants: (1) Phil Roe, MD, Chairman, House Committee on Veterans' Affairs; (2) Johnny Isakson, Majority Senate Committee on Veterans' Affairs; (3) Jon Tester, Minority Senate Committee on Veterans' Affairs; (4) David J.

Shulkin, Secretary of Veterans Affairs; (5) Catherine Mitrano, District Chief Counsel; (6) Kathy Simpson, Deputy Chief Counsel; (7) E. Douglas Bradshaw, Chief Counsel, Torts Law Group; (8) Dr. Abu T. Siddigui, MD, Staff Physician and Attending Physician; (9) Dr. Abelardo Augustines, Primary Care Doctor; (10) Anuja Pradhan, MD, Hematology/Oncology; (11) Sonia A Cotton, Radiology Nurse; (12) Mr. Robinson Ang, Physical Therapist; (13) David M. Crowder, RN; (14) Lawrence Matthews, 5B Nurses Station; (15) Dr. McDonald, MD, Lung Doctor; (16) Mr. Ariel Rodriguez, Chief, Patient Advocate; (17) Ronald Gathright, Patient Advocate; (18) Terrence Watts, 5th District- Orlando VAMCA; and (19) Tatishka Musgrove, VAMC, Bay Pines Pines VAHCS.

The pro se Complaint provides an account of the death of Andrew Kirk Jones, a 79-year old veteran, at the Bay Pines VA Hospital, located in Hillsborough County, Florida. Plaintiffs label the Complaint as a "Complaint for a Civil Case Alleging Negligence" and array a host of claims, including but not limited to, medical malpractice and wrongful death.

Plaintiffs accompanied the Complaint with an Application to Proceed *in forma pauperis*. (Doc. # 2). The

Magistrate Judge examined the Complaint and the Application to proceed *in forma pauperis* and filed a Report and Recommendation on August 11, 2017, recommending denial of the Application for *in forma pauperis* status without prejudice. (Doc. # 7). The Magistrate Judge also recommended dismissal of the Complaint with the opportunity to file an Amended Complaint. (Id.). The deadline for Plaintiffs to object to the Report and Recommendation has not yet expired and the Report and Recommendation is currently pending.

On August 19, 2017, Jeanette Braxton Secret sent an email communication to this Court requesting that the Court schedule an arbitration proceeding.¹ The Court notes that Secret has also filed the email communication on the record. (Doc. # 9). In addition, Secret has filed a separate Motion requesting that an arbitration be scheduled. (Doc. # 12).

The Court takes the opportunity to explain to all pro se Plaintiffs that they should not send any email communications to the undersigned, and they should not make any requests for relief in emails or letters to the Court.

¹She also indicates that if her Application to proceed *in forma pauperis* is ultimately denied, she will "consider paying the \$400" filing fee for civil cases. (Doc. # 9 at 1).

As explained in Local Rule 3.01(f), "All applications to the Court (i) requesting relief in any form, or (ii) citing authorities or presenting argument with respect to any matter awaiting decision, shall be made in writing . . . in accordance with this rule and in appropriate form pursuant to Rule 1.05; and . . . shall not be addressed or presented to the Court in the form of a letter or the like. All pleadings and papers to be filed shall be filed with the Clerk of the Court and not with the judge thereof." The Court granted Plaintiff Jeanette Braxton Secret permission to e-file, and she should carefully examine the Local Rules and file any Motions with the Court using cm/ecf.

With respect to Plaintiff's specific request for referral to arbitration, the Court denies the Motion as prematurely asserted. This matter is in its infancy. The case is at the Complaint stage and such preliminary matters as the filing fee (or waiver thereof) are currently being considered. At a later juncture, the Court may determine that alternative dispute resolution, such as mediation or arbitration, is appropriate under the particular circumstances of this case. However, due to the present procedural status of the case, the Court denies the Motion

for Arbitration. Plaintiff is free to re-raise her request for arbitration at a later juncture.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Plaintiff Jeanette Braxton Secret's Motion for Referral to Arbitration (Doc. # 12) is **DENIED WITHOUT PREJUDICE** as prematurely asserted.

DONE and ORDERED in Chambers, in Tampa, Florida, this 25th day of August, 2017.

A rectangular area with an orange background containing a handwritten signature in black ink. The signature is partially obscured and appears to be a name followed by initials.