

United States District Court
for the
Southern District of Florida

Susan Khoury, Plaintiff)	
v.)	
Miami-Dade County School Board and Gregory Williams, Defendants.)	Civil Action No. 16-20680-Civ-Scola

Order

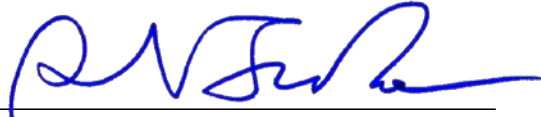
Before the Court is Plaintiff Susan Khoury’s motion to reinstate Count VII of the complaint against the Defendant Miami-Dade County School Board (ECF No. 232). The Court previously disposed of that count on summary judgment. (See ECF No. 188). Ms. Khoury appealed the Court’s summary judgment order to the Eleventh Circuit, which returned a mandate affirming the Court’s grant of summary judgment to the School Board and remanding certain claims against Defendant Gregory Williams. (See ECF No. 225.)

The School Board’s liability in this case was predicated on Officer Williams having acted pursuant to “a policy statement, ordinance, regulation or decision officially adopted and promulgated by [the School Board’s] officers.” *Monell v. New York City Dep’t Soc. Servs.*, 436 U.S. 658, 690 (1978). On summary judgment, the Court found “no facts in the record demonstrat[ing]” the existence of “a policy, custom, or practice of improperly invoking the Baker Act at the time of th[e] incident[.]” and entered judgment in favor of the School Board. (ECF No. 188, 11.) The Eleventh Circuit agreed. (ECF No. 225, 28-29.)

In her motion, filed roughly a month before trial, Ms. Khoury argues that the Court should reinstate Count VII against the School Board because the Eleventh Circuit was “silent . . . regarding Ms. Khoury’s state-law false arrest claim against the School Board[.]” (ECF No. 232, 2.) That is wrong. By upholding the Court’s ruling on Ms. Khoury’s *Monell* claim, the Eleventh Circuit necessarily foreclosed Ms. Khoury from attempting to reassert claims against the School Board. The Court “may not alter, amend, or examine the [Eleventh Circuit’s] mandate, or give any further relief or review . . .” in respect thereof. See *Friedman v. Mkt. St. Mortg. Corp.*, 520 F.3d 1289, 1294 (11th Cir. 2008) (quoting *Piambino v. Bailey*, 757 F.2d 1112, 1120 (11th Cir. 1985)).

Accordingly, Ms. Khoury’s **motion (ECF No. 232) is denied.**

Done and ordered, at Miami, Florida, on March 3, 2022.



Robert N. Scola, Jr.
United States District Judge