

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 18-20018-CIV-MORENO

SAINGERARD SANGELUS, JACQUES
PATRICK, MARCKSON ST. FLEUR, and ALAN
SAJOUS,

Plaintiffs,

vs.

DONALD J. TRUMP, in his official capacity as
President of the United States,

Defendant.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

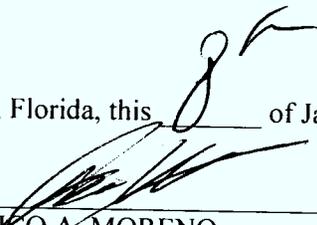
THIS CAUSE came before the Court upon a *sua sponte* review of the record.

Plaintiffs, four *pro se* inmates housed at the Federal Correctional Institution in Edgefield, South Carolina, bring a claim for defamation against Donald J. Trump, in his official capacity as President of the United States of America. Plaintiffs allege, *inter alia*, that President Trump defamed all Haitian immigrants, when in a Cable News Network interview on December 23, 2017 he stated, “that all Haitian Immigrants have A.I.D.S.” Plaintiffs further submit that “[f]or a man in Mr. Trump’s position to come across as a xenophobe in national prime time television is extremely disturbing and hinges on racism.” As compensation, Plaintiffs seek \$40 million for the “mental, psychological, emotional, and spiritual anguish suffered due to Mr. Trump’s statement, which was addressed to the entire nation in an attempt to vilify Haitian Immigrants.”

To prevail on a defamation claim under Florida law, Plaintiffs must show that (1) the defendant published a false statement, (2) about the plaintiff, (3) to a third party, and (4) the falsity of the statement caused injury to the plaintiff. *Bass v. Rivera*, 826 So. 2d 534, 535 (Fla. 2d DCA 2002) (internal citation omitted). Plaintiffs’ conclusory allegations, however artful, are insufficient to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). *See Jackson v. BellSouth*

Telecomm., 372 F.3d 1250, 1263 (11th Cir. 2004) (“To survive a motion to dismiss, plaintiffs must do more than merely state legal conclusions, [instead plaintiffs must] allege some specific factual basis for those conclusions or face dismissal of their claims.”). Accordingly, it is

ADJUDGED that the Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief can be granted.

DONE AND ORDERED in Chambers at Miami, Florida, this  of January 2018.

FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

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