

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 18-cv-20715-DPG

JESUS A. GARCIA,

Plaintiff,

v.

MIAMI-DADE COUNTY,
MANUEL C. PERNAS,
MARCUS SAIZ DE LA MORA,
ERIC A. RODRIGUEZ,
MICHAEL P. MURAWSKI,
STEVEN G. ENGELMEYER,
MIGUEL POSTELL, CARLA LLOYD,
AND AFSCME, LOCAL 199,

Defendants.

ORDER

THIS CAUSE comes before the Court upon Defendants Miami-Dade County, Marcus Saiz De La Mora, Manuel C. Pernas, Eric A. Rodriguez, Michael P. Murawski, Steven G. Engelmeyer, Miguel Postell, Carla Lloyd, and American Federation of State County and Municipal Employee, Local 199's Joint Motion to Dismiss Amended Complaint. [ECF No. 19]. The Court has reviewed the Motion, the parties' briefs, and is otherwise fully advised. For the reasons that follow, the Motion is **GRANTED**.

Plaintiff's Complaint [ECF No. 1] suffers from two fatal flaws. First, the Complaint is a shotgun pleading. A district court has the obligation to identify and dismiss a shotgun pleading. *See Paylor v. Hartford Fire Ins. Co.*, 748 F.3d 1117, 1126-27 (11th Cir. 2014). Recently, the Eleventh Circuit outlined four types of these pleadings, all of which require amendment because they fail to give the defendants adequate notice of the claims against them and the grounds upon

which each claim rests. *Weiland v. Palm Beach Cnty. Sheriffs Office*, 792 F.3d 1313, 1323 (11th Cir. 2015). One type is a complaint that “commit[s] the mortal sin of 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.” *Id.* at 1321-23. Plaintiff’s Complaint falls into this category.

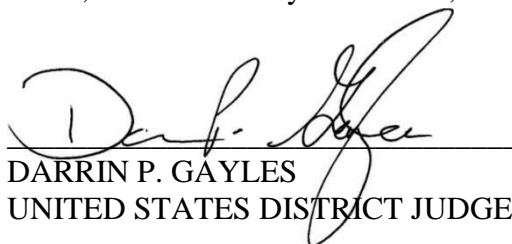
Second, this action appears duplicative of case number 1:15-cv-20763-Ungaro. The parties are identical and the claims and facts are largely duplicative. Judge Ungaro entered judgement against Plaintiff in case no. 15-20763 on August 20, 2015. [ECF No. 55]. Accordingly, this action is dismissed. The Court will reconsider the dismissal if Plaintiff can correct the deficiencies in the complaint and demonstrate that this is, in fact, a separate action.

CONCLUSION

Based on the foregoing, it is

ORDERED AND ADJUDGED that Defendants’ Joint Motion to Dismiss Amended Complaint [ECF No. 19] is **GRANTED**. This cause shall be dismissed without prejudice. All pending motions are denied as moot. This case shall be administratively closed.

DONE and ORDERED in Miami, Florida, on this 12th day of October, 2018.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE