[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 20-11648
Non-Argument Calendar

D.C. Docket No. 0:19-cv-61827-RAR

DONNAHUE GEORGE,

Plaintiff-Appellant,

versus

WILLIAM SNYDER,
WESTWAY TOWING,
FORT LAUDERDALE CODE ENFORCEMENT,
JOHN DOE,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(February 12, 2021)

Before WILSON, GRANT, and ANDERSON, Circuit Judges.

PER CURIAM:

Federal pleading rules serve a dual purpose. First, they ensure that the defendants have fair notice of the claims against them so that they can frame an appropriate defense. And, second, they guarantee that the district court will have "a clear and definitive response before it," so it can "recognize the parties' claims and defenses, identify the issues of fact to be litigated, and proceed to a just result." *Davis v. Coca-Cola Bottling Co. Consol.*, 516 F.3d 955, 979 (11th Cir. 2008). The district court found that Donnahue George, a pro se plaintiff, violated those pleading rules when he submitted a threadbare and conclusory complaint, leaving the court and the defendants unable to discern and analyze his claims. So it dismissed his complaint.

George believes that this dismissal was in error. He also contends that the court erred in other ways, including incorrectly setting aside the clerk's entry of default against the defendants and striking the defendants' separate motions to dismiss and ordering them to file a joint motion. Because we find that the district court did not abuse its discretion in any of these decisions, we will affirm.

I.

Donnahue George alleges that on March 18, 2019, William Snyder entered his property and, with the help of West Way Towing Co., stole his vehicle from his covered driveway. George's neighbors called to alert him that his vehicle was being towed. When they put Snyder on the phone, George informed him that the vehicle was his and that it was parked legally on his own property. But rather than

return the vehicle, Snyder hung up and "proceeded to tow the vehicle and submit the false report to his department that stated he did not know who the owner of the vehicle was and that it was derelict."

George spent the next several months trying to recover his vehicle. He went to the Fort Lauderdale Police Department and to "code enforcement," but was told only that his vehicle was towed because it was derelict. So he called West Way Towing. They put him on hold three times and never returned his call. He wrote to "code enforcement" and to the City of Fort Lauderdale. Again, no reply.

As a last resort, he filed this lawsuit. In his first attempt at drafting his complaint, he completed a handwritten five-page form, alleging generally that "William Snyder conspired with [West Way] Towing to deprive Plaintiff of his constitutional rights by illegally stealing his property from his premises without legal authority and fabricating information to cover up the theft." The district court promptly *sua sponte* dismissed the case without prejudice because the "Plaintiff's Complaint fail[ed] to state a claim upon which relief may be granted." Specifically, the court noted that Rule 8(a)(2) of the Federal Rules of Civil Procedure requires a complaint to contain a "short and plain statement of the claim" showing that the plaintiff is entitled to relief. In that first complaint, George had not included "sufficient factual matter, that if accepted as true, allows the Court to reasonably infer that Defendants are liable for any misconduct or wrongdoing, or what the claim or claims against each of them may be."

A few months later, George moved to reopen his case and to file an amended complaint. The district court granted that motion. The case then sat; no

defendants appeared. George eventually filed affidavits showing that he had served the defendants and asked the clerk to enter default. After the clerk's entry of default was noted on the docket, George moved for a default judgment against all the defendants.

Within days of that motion being filed, counsel for West Way Towing, Snyder, and Fort Lauderdale Code Enforcement entered their appearances and moved to set aside the clerk's entry of default. George, they explained, had only served his original complaint on them—not the amended complaint. Once they discovered that the case had been dismissed *sua sponte* by the court, they assumed the matter was closed. But when they were notified of the clerk's entry of default against them, they quickly entered their appearances and moved to set aside the default. The district court found that the defendants had established good cause for failing to appear, so it set aside the entry of default and allowed the case to proceed.

The defendants then filed separate motions to dismiss the amended complaint. But the district court struck those motions because the court's policies and procedures prohibited "filing of separate motions, unless there are clear conflicts of positions." It instructed the defendants to refile with a joint motion.

After briefing on the motion to dismiss was completed, the court dismissed George's amended complaint. Again repeating the Rule 8(a) requirements, the court noted that George had "failed to remedy the deficiencies noted by this Court in its prior Order Dismissing Case."

II.

The district court dismissed George's complaint as a shotgun pleading, violating the Federal Rules of Civil Procedure's pleading requirements. A district court possesses "inherent authority to control its docket and ensure the prompt resolution of lawsuits, which in some circumstances includes the power to dismiss a complaint for failure to comply with Rule 8(a)(2) and Rule 10(b)" of the Federal Rules of Civil Procedure. *Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1320 (11th Cir. 2015). We review those dismissals for abuse of discretion. *Id.*

Though pro se parties' pleadings are liberally construed by courts, the litigants are not relieved from following procedural rules. *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007). Rule 8(a) sets standards for the content of pleadings, requiring complaints to provide a "short and plain statement of the grounds for the court's jurisdiction," a "short and plain statement of the claim showing that the pleader is entitled to relief," and a "demand for the relief sought." Fed. R. Civ. P. 8(a)(1)–(3). Rule 10(b) regulates the form of those pleadings, stating that a "party must state its claims or defenses in numbered paragraphs" and must assert "each claim founded on a separate transaction or occurrence" in a "separate count." Fed. R. Civ. P. 10(b). Pleadings that violate these rules are known as "shotgun pleadings."

Shotgun pleadings take many different forms, but their "unifying characteristic" is that they fail to give the defendants "adequate notice of the claims against them and the grounds upon which each claim rests." *Weiland*, 792 F.3d at

1323. The most common type is a complaint that contains "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. But a complaint that commits the "sin of not separating into a different count each cause of action or claim for relief" or the "sin of 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," is equally prohibited. *Id.* at 1323.

The district court determined George's amended complaint fell into this latter category. The complaint did not "include sufficient factual matter that would allow the Court to reasonably infer that Defendants are liable for any misconduct or wrongdoing, or what the claim or claims against each of them may be." It recited facts but did "not contain any counts," nor did it make any attempt to tether the factual allegations to the various claims. It did not contain enough factual allegations for the court to determine the "basis of its subject matter jurisdiction." And it set forth only "vague and conclusory allegations." The district court dismissed the complaint because, in sum, it failed to "comply with the Federal Rules of Civil Procedure and federal pleading standards, and does not provide a sufficient basis for this Court to find subject matter jurisdiction."

We find no abuse of discretion in this decision. Though George's amended complaint is an improvement upon his first, it still did not provide the defendants adequate notice of the claims against them, for the reasons the district court outlined. George's brief on appeal now does a better job tethering his factual

allegations to his particular causes of action, but that information is lacking in his pleading. He cannot amend his complaint now through his appellate briefing.

We emphasize, though, that the district court dismissed this case on procedural grounds and, it appears, without prejudice.[1] George may have real and valid claims against West Way Towing, Snyder, or the Fort Lauderdale Code Enforcement. He remains free to try again with a new complaint that contains clear factual allegations tethered to specific counts against particular defendants, as required by Rules 8(a) and 10(b).

III.

George also claims two other errors by the district court. First, he suggests that the district court incorrectly set aside the clerk's entry of default, and second, he argues that the court impermissibly struck the defendants' separate motions to dismiss. We review both orders for abuse of discretion. *Compania Interamericana Exp.-Imp., S.A. v. Compania Dominicana de Aviacion*, 88 F.3d 948, 951 (11th Cir. 1996); *Scantland v. Jeffry Knight, Inc.*, 721 F.3d 1308, 1320 (11th Cir. 2013). Under this standard, we must "affirm unless we find that the district court has made a clear error of judgment, or has applied the wrong legal

[1] The district court never stated whether the dismissal was with or without prejudice. A district court may dismiss a case for failure to comply with court rules "under the authority of either Rule 41(b) or the court's inherent power to manage its docket." *Weiland*, 792 F.3d at 1321 n.10. To dismiss with prejudice under Rule 41(b), the court must find that "(1) a party engages in a clear pattern of delay or willful contempt (contumacious conduct); and (2) the district court specifically finds that lesser sanctions would not suffice." *Betty K Agencies, LTD. v. M/V Monada*, 432 F.3d 1333, 1337–38 (11th Cir. 2005) (quotation omitted). Because the "order does not cite Rule 41(b)" or "make the findings necessary to justify a dismissal under that provision," we will assume it dismissed under its inherent power to manage its docket and that it was done without prejudice. *See Weiland*, 792 F.3d at 1319–20.

standard." *Robinson v. Tyson Foods, Inc.*, 595 F.3d 1269, 1273 (11th Cir. 2010) (quotation omitted).

Under Federal Rule of Civil Procedure 55(c), the district court "may set aside an entry of default for good cause." Good cause is not precisely defined and often depends upon the court's consideration of whether "the default was culpable or willful, whether setting it aside would prejudice the adversary, and whether the defaulting party presents a meritorious defense." *Compania*, 88 F.3d at 951.

The district court correctly applied that standard here, finding good cause for vacating the entry of default. The defendants, it said, were not "properly served with the Amended Complaint; as such their default was not culpable or willful." More, the court noted that the defendants "acted promptly to vacate the Clerk's Entry of Default" and that "vacating the Clerk's Default will not unduly prejudice Plaintiff." Because George has not identified any clear error in the district court's judgment, we will affirm.

Finally, the district court did not err in striking the defendants' separate motions to dismiss and ordering that they file a joint motion. District courts have "broad discretion" in managing their cases. *Chrysler Int'l Corp. v. Chemaly*, 280 F.3d 1358, 1360 (11th Cir. 2002). Because of the "caseload of most district courts and the fact that cases can sometimes stretch out over years," district courts may use this discretion to ensure that their cases "move to a reasonably timely and orderly conclusion." *Id*. That is all that the district court's order did here. By striking the separate motions and requiring a joint motion to be filed in compliance with the court's rules, it tried to streamline the case. Contrary to George's

contentions, nothing in this order gave "defense strategies to the defendants," evidenced any sort of bias toward the defendants, or suggested in any way that the court abused its discretion.

* * *

Because we find no abuse of discretion in any of the district court's orders challenged by George, we AFFIRM.