

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-11777

Non-Argument Calendar

ISHANNA IBLE,

Plaintiff-Appellant,

versus

WELLS FARGO BANK, NATIONAL ASSOCIATION,
as Trustee for Citigroup Mortgage Loan Trust,
Series 2004-OPT1, Asset Backed Pass-Through
Certificates, Series 2004-OPT1,
WAKULLA COUNTY CIRCUIT COURT,
STATE OF FLORIDA,
BRENT X. THURMOND,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 4:21-cv-00025-MW-MAF

Before JILL PRYOR, BRANCH, and ANDERSON, Circuit Judges.

PER CURIAM:

Ishanna Ible appeals *pro se* from the district court’s order granting Wells Fargo Bank, National Association’s (“Wells Fargo”) motion to dismiss her *pro se* complaint alleging Racketeer Influenced and Corrupt Organizations Act (“RICO”) violations, Fair Debt Collection Practices Act (“FDCPA”) violations, mortgage fraud, and criminal law violations. On appeal, she argues that Wells Fargo, the Wakulla County Circuit Court, and the State of Florida (collectively, the “Defendants”) violated RICO, violated the FDCPA, deprived her of her civil rights, obstructed justice, and committed aggravated identify theft.

When appropriate, we review *de novo* a district court’s determination that it lacks subject-matter jurisdiction. *Behr v. Campbell*, 8 F.4th 1206, 1209 (11th Cir. 2021). We also review *de novo* the dismissal of a plaintiff’s complaint because it should have been presented as a compulsory counterclaim. *See Montgomery Ward*

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Dev. Corp. v. Juster, 932 F.2d 1378, 1379 (11th Cir. 1991) (holding that we review whether the district court erred as a matter of law when it dismissed a complaint because it should have been presented as a compulsory counterclaim in a previous action); *Johansen v. Combustion Eng'g, Inc.*, 170 F.3d 1320, 1334 (11th Cir. 1999) (stating that we review questions of law *de novo*). We review a district court's ruling on a Rule 12(b)(6) motion *de novo*, "accepting the allegations in the complaint as true and construing them in the light most favorable to the plaintiff." *Hill v. White*, 321 F.3d 1334, 1335 (11th Cir. 2003). We review the dismissal of a shotgun pleading under Rule 8 for abuse of discretion. *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1294 (11th Cir. 2018).

A document filed *pro se* must be liberally construed and held to less stringent standards than formal pleadings drafted by lawyers. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Nonetheless, "issues not briefed on appeal by a *pro se* litigant are deemed abandoned." *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). An appellant fails to adequately brief a claim when she does not "plainly and prominently raise it." *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014) (quotation marks omitted). An appellant abandons a claim when she "either makes only passing references to it or raises it in a perfunctory manner without supporting arguments and authority." *Id.* "To obtain reversal of a district court judgment that is based on multiple, independent grounds, an appellant must convince us that every stated ground for the judgment against [her] is incorrect." *Id.* at 680. "When an

appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, [s]he is deemed to have abandoned any challenge of that ground, and it follows that the judgment is due to be affirmed.” *Id.*; *United States v. Campbell*, 26 F.4th 860, 873 (11th Cir. 2022) (*en banc*) (holding that issues not raised in an initial brief are deemed forfeited and will not be addressed absent extraordinary circumstances), *petition for cert. filed*, No. 21-1468 (U.S. May 23, 2022).

“Within fourteen days after being served with a copy [of the magistrate judge’s report and recommendation (“R&R”)], any party may serve, and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1). A party who fails to object to a magistrate judge’s findings or recommendations contained in an R&R “in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object.” 11th Cir. R. 3-1. “In the absence of a proper objection, however, the [C]ourt may review on appeal for plain error if necessary in the interests of justice.” *Id.*

Here, as to the motion to dismiss,¹ Ible has waived review of the magistrate judge’s R&R because she did not properly object.

¹ On appeal, the Wakulla County Clerk of Court and Comptroller’s (“County Clerk”), Brent X. Thurmond, asserts that the orders to quash the

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Although she filed objections, her objections were not specific, provided no bases for the objections, and did not identify any error committed by the magistrate judge. Prior to the district court's decision, Ible was given notice that she had 14 days to object to the R&R and that failure to file specific objections would waive her right to appeal. Because she received proper notice and failed to sufficiently object, her arguments challenging the magistrate judge's R&R on appeal are waived.

Additionally, Ible has abandoned any argument that the district court erred when it dismissed her complaint on the grounds that (1) it was a shotgun pleading, (2) it was barred by the *Rooker-Feldman*² doctrine, (3) it was barred under Florida's compulsory counterclaim rule and *res judicata*, and (4) it did not state a claim under Fed. R. Civ. P. 12(b)(6) and she lacked standing to litigate her criminal allegations. While she does mention the FDCPA, she makes no challenge to the district court's determination that the foreclosure action was not a debt collection activity. Although Ible's brief, liberally construed, arguably challenged the district court's determination that she had failed to state a RICO claim, she challenged none of the district court's other, independent, grounds

service of process on him were proper because he was not a party to the lawsuit. However, Ible has abandoned any challenge to the magistrate judge's orders granting the County Clerk's motions to quash the summonses by not raising the issue on appeal, so we need not address it.

² *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *Dist. of Col. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

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for dismissing her complaint (e.g. the *Rooker-Feldman* bar and/or the compulsory counterclaim bar).

AFFIRMED.