[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 22-13127

Non-Argument Calendar

MARCUS JOHNSON,

Plaintiff-Appellant,

versus

BOTTLING GROUP, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:21-cv-01135-JSM-TGW

Before ROSENBAUM, GRANT, and ANDERSON, Circuit Judges.

PER CURIAM:

Marcus Johnson, proceeding *pro se*, appeals the district court's order granting summary judgment in favor of Bottling Group, LLC in his action for race discrimination and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, and the Florida Civil Rights Act, Fla. Stat. § 760.01, *et seq.* Johnson argues that Bottling Group failed to protect him from disparate treatment and racially-targeted incidents and only gave him unreasonable options to continue employment, resulting in his constructive discharge.

We review the district court's grant of summary judgment *de novo*. *Seamon v. Remington Arms Co.*, 813 F.3d 983, 987-88 (11th Cir. 2016). Summary judgment is warranted where the movant shows that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a).

While *pro se* pleadings are held to a less stringent standard than pleadings drafted by attorneys and will be liberally construed, we may not "serve as *de facto* counsel for a party [or] rewrite an otherwise deficient pleading in order to sustain an action." *Campbell v. Air Jam. Ltd.*, 760 F.3d 1165, 1168-69 (11th Cir. 2014). "[I]ssues 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 he does not "plainly and

prominently raise it," such as by making only passing references to the court's holding without advancing any arguments or citing any authorities to establish that they were error. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014) (quotation marks omitted); *but see D'Angelo v. ConAgra Foods, Inc.*, 422 F.3d 1220, 1226 n.3 (11th Cir. 2005) (concluding that a *pro se* appellant had not abandoned an issue, even though the claim was inartfully raised in the opening brief, because the appellant asserted "at least twice in her initial brief that she suffered from a disability, which was the basis for her firing" and clarified in her reply brief that she did not intend to waive the claim). We may exercise our discretion to consider a forfeited issue if: "(1) the issue involves a pure question of law and refusal to consider it would result in a miscarriage of justice; (2) the party lacked an opportunity to raise the issue at the district court level; (3) the interest of substantial justice is at stake; (4) the proper resolution is beyond any doubt; or (5) the issue presents significant questions of general impact or of great public concern." *United States v. Campbell*, 26 F.4th 860, 873 (11th Cir.) (*en banc*), *cert. denied*, 143 S. Ct. 95 (2022).

Here, Johnson has abandoned any purported challenge to the district court's grant of summary judgment. Even when construing his brief liberally, Johnson failed to challenge any of the five bases on which the district court granted summary judgment or identify any error whatsoever. *See Air Jam. Ltd.*, 760 F.3d at 1168 69. The only basis that Johnson proffers any argument for is his allegation that he was in fact constructively discharged; but, fatally, Johnson does not challenge the district court's finding that he

forfeited constructive discharge by raising it for the first time in response to Bottling Group's motion for summary judgment. Rather than argue that any of the other bases were improperly found, Johnson simply repeats his theory of the case—without legal or record citation—and argues—again without citation—that he was wronged by Bottling Group, without mentioning the specific grounds for the district court's ruling he purports to challenge, aside from the issue of constructive discharge which the court concluded was forfeited. Thus, Johnson has abandoned any challenge to the district court's grant of summary judgment. *See Timson*, 518 F.3d at 874; *Sapuppo,* 739 F.3d at 681.

This Court may exercise its discretion to consider forfeited issues, as identified in *Campbell*, but the exceptions named in that case do not apply to Johnson's appeal. *See Campbell*, 26 F.4th at 873.

AFFIRMED.