

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13034

Non-Argument Calendar

CHARLES S. WAITS,

Plaintiff-Appellant,

versus

MICHELLE DOHERTY,

State Attorney,

JOEL ELSEA,

State Attorney,

JOAN CORCES,

State Attorney,

EMMETT BATTLES,

Judge,

KHAYRI R. MCCRAY,

Confidential Informant,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:23-cv-00302-KKM-AEP

Before JORDAN, LUCK, and BRASHER, Circuit Judges.

PER CURIAM:

Charles Waits, *pro se*, filed a complaint against five defendants under 42 U.S.C. § 1983. Two months later, he filed a motion for default judgment against one of the defendants, Khayri McCray. The district court dismissed the complaint on several grounds. Specifically, the district court determined that defendants Michelle Doherty, Joel Elsea, Joan Corces, and Emmett Battles were all protected by either judicial or prosecutorial immunity; that the claims were barred under *Heck v. Humphrey*, 512 U.S. 477 (1994) and *Younger v. Harris*, 401 U.S. 37 (1971); and that Waits failed to state a claim upon which relief could be granted. It then dismissed Waits's motion for default judgment against McCray because McCray was absolutely immune for statements made as a witness in a criminal trial and was not a proper defendant for his personal injury claims.

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On appeal, Waits argues that he did state a proper claim and that Doherty, Elsea, Corces, and Battles were liable under Florida law. He also reasserts his request for default judgment. But at no point does Waits challenge the district court's determination that the complaint was barred under *Heck* and *Younger*, nor does he argue that the court committed any error when it denied his motion for default judgment. Because Waits does not challenge these independent bases for the district court's decision, we affirm.

I.

In 2013, Waits was convicted on multiple charges and sentenced to five life sentences by Judge Battles. In the present complaint, Waits alleged that McCray gave false testimony that led to his conviction and that the state attorneys "gave false testimony that Mr. McCray . . . would not be rewarded" for his cooperation. According to Waits, McCray was serving a 20-year sentence at the time of his testimony which was reduced by six years in exchange for his testimony. Waits also alleged that while he was in federal custody, he was attacked multiple times by other inmates resulting in severe injuries. Ultimately, he claimed these injuries were "a result of and stem from" the conviction he was given by Judge Battles with the assistance of Doherty, Elsea, Corces, and McCray. In February 2023, Waits filed this complaint under section 1983 against the five defendants for "fraud, perjury, [giving] false testimony[,] and personal injury." As relief, he requested (1) \$15 million; (2) the vacatur and reversal of the sentencing reduction afforded to McCray; (3) the removal of the state attorneys; and (4) a new trial.

In March 2023, Battles, Doherty, Elsea, and Corces filed a timely motion to dismiss. They filed an amended motion the following month in which they argued that they each had absolute immunity, the claims were barred under *Younger* and *Heck*, and the complaint was a prohibited shotgun pleading that failed to state a claim. McCray, on the other hand, never filed a response. Waits then moved for default judgment against McCray before the Clerk entered default.

The district court granted the motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), concluding that Battles, Doherty, Elsea, and Corces were entitled to judicial and prosecutorial immunity; that the claims were barred under *Younger* and *Heck*; and that Waits failed to state a claim upon which relief may be granted. And although Waits had filed a motion for default judgment, the district court determined that McCray had absolute immunity for statements made as a witness and was not a proper defendant for the personal injury claims. Therefore, it dismissed the complaint against McCray under 28 U.S.C. § 1915A.

Waits appealed.

II.

We review dismissals under Rule 12(b)(6) and section 1915A *de novo*. *Leal v. Ga. Dep't of Corr.*, 254 F.3d 1276, 1278–79 (11th Cir. 2001).

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III.

This Court must hold *pro se* pleadings “to less stringent standards than formal pleadings” and has an obligation to construe these pleadings liberally. *Campbell v. Air Jam., Ltd.*, 760 F.3d 1165, 1168 (11th Cir. 2014). But even under this lesser standard, we must not “rewrite an otherwise deficient pleading in order to sustain an action.” *Id.* at 1169 (citation omitted). This same framework applies to appellate briefs filed by *pro se* parties. See *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). On appeal, issues that are not briefed or are raised for the first time in a reply brief are deemed abandoned. *Id.* To preserve an issue, the appellant must “plainly and prominently raise it, for instance by devoting a discrete section of his argument to those claims.” *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014) (quotations and citations omitted).

“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 him is incorrect.” *Id.* at 680. Waits does not challenge the district court’s determination that his claims were barred under *Heck* and *Younger* in his opening brief. In fact, he doesn’t even mention these issues. He merely argues that the “judge and prosecutors” can be held liable under Florida law. Nor does he challenge the district court’s basis for denying his motion for default judgment. He merely restates his requested relief while acknowledging that his motion was “premature.” Because Waits does not challenge all of the independent

bases for the district court's decision, these issues are abandoned, and the district court must be affirmed.

IV.

The judgment of the district court is **AFFIRMED**.