

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13249

EDGAR ZUNIGA-MEJIA,

Plaintiff-Appellant

versus

GRACEVILLE CF WARDEN,
FILIPEZACK,

Dentist,

BOWER,

Captain,

BEARD,

Officer,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 5:23-cv-00205-TKW-MJF

Before ROSENBAUM, LAGOA, and MARCUS, Circuit Judges.

PER CURIAM:

Edgar Zuniga-Mejia, a Florida prisoner proceeding *pro se*, appeals the district court's *sua sponte* dismissal of his 42 U.S.C. § 1983 complaint against prison officials. The district court dismissed the complaint as malicious and an abuse of process, based on Zuniga-Mejia's failure to fully disclose his litigation history. On appeal, Zuniga-Mejia argues that he did not intentionally mislead the court about his prior litigation history and that the court erred in finding his complaint to be malicious and an abuse of the judicial process.

After careful review and with the benefit of oral argument, we affirm. Although we conclude that the district court could not properly dismiss the complaint under 28 U.S.C. § 1915A(b)(1) and 1915(e)(2)(b)(i), it properly dismissed the case under its inherent powers.

I. BACKGROUND

In January 2019, Zuniga-Mejia alleges, a prison dentist pulled the wrong tooth from his mouth and refused to correct the mistake. Zuniga-Mejia complained to staff, filed sick-call requests, and submitted a formal grievance. But more than two months passed before the dentist removed the correct tooth.

A few months later, Zuniga-Mejia asserts, the prison placed him in confinement based on a false allegation that he was plotting to kill the dentist. An investigation revealed no merit to the allegations, and Zuniga-Mejia was released from confinement after spending nineteen days there.

But that period of relief from confinement did not last long. About a week later, the prison placed Zuniga-Mejia in confinement again. And this time, officers denied Zuniga-Mejia his blood pressure and diabetic medication, which caused him to feel dizzy and experience extremely high blood pressure that required him to report to the infirmary for emergency treatment. When Zuniga-Mejia asked why he was being placed in confinement again, an officer told him he had “pissed someone off and that was probably the main reason.”

The prison released Zuniga-Mejia from his second period of confinement after about a week and soon transferred him to another facility.

A. Prior Litigation on the Same Claims

In the three years before he filed this case, Zuniga-Mejia filed five other cases with iterations of the same claims against the same four defendants that this case raises. The district court dismissed them all.

It dismissed *Zuniga-Mejia v. Filipczack*, Cases No. 5:20-cv-258 (filed Sept. 30, 2020) and 5:20-cv-284 (filed Oct. 19, 2020) (N.D. Fla.), under 28 U.S.C. § 1915(e)(2)(B)(i) and § 1915A(b)(1) for “maliciousness and abuse of the judicial process” because, in his litigation history, Zuniga-Mejia neglected to mention a habeas action he had previously filed.

Zuniga-Mejia tried again in 2022 with *Zuniga-Mejia v. Thomas*, Cases No. 5:22-cv-86 and 5:22-cv-87 (N.D. Fla.) (both filed

May 5, 2022). The district court dismissed those cases because Zuniga-Mejia failed to pay the filing fee or file a “proper motion for leave to proceed *in forma pauperis*.”

Then, in 2023, the year before he filed this case, Zuniga-Mejia filed *Zuniga-Mejia v. Godwin*, Case No. 5:23-cv-20 (N.D. Fla.) (filed Jan. 23, 2023). The district court dismissed that one because Zuniga-Mejia “falsely claimed that he did not have sufficient funds to pay all or part of the filing fee.”

B. This Case

That brings us to the case before us now. While his fifth case remained pending, Zuniga-Mejia filed a sixth case based on the same allegations against the same defendants. *See* No. 5:23-cv-205 (N.D. Fla. Aug. 1, 2023). We review the dismissal of that case now.

After granting Zuniga-Mejia leave to proceed IFP, the magistrate judge screened his complaint, determined that he failed to state a viable claim, and ordered him to dismiss the action voluntarily or to file an amended complaint. The order instructed that he should “answer all questions on the complaint form, including those about his litigation history, both completely and honestly,” and warned that “[a]n affirmative misrepresentation to the questions on the complaint form, including those regarding his litigation history, likely will result in the dismissal of this action.”

Zuniga-Mejia filed an amended complaint. The section of the complaint form concerning prior litigation asked Zuniga-Mejia to list any case that was potentially a strike under 28 U.S.C. §

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1915(g), other lawsuits that involved the same facts or issues as the instant case, and any other case that challenged his conviction or conditions of confinement. Though Zuniga-Mejia’s amended complaint listed some prior litigation, it failed to include two cases: *Zuniga-Mejia v. Thomas*, Cases No. 5:22-cv-86 and 5:22-cv-87 (N.D. Fla.) (both filed May 5, 2022). As we’ve noted, the district court dismissed those cases because Zuniga-Mejia failed to pay the filing fee or file a “proper motion for leave to proceed *in forma pauperis*.”

After reviewing the amended complaint, the magistrate judge issued a report and recommendation (“R&R”). The R&R pointed out Zuniga-Mejia’s omission of the two *Thomas* cases. And based on that error, the magistrate judge recommended that the district court *sua sponte* dismiss this sixth case as “malicious” and an “abuse of the judicial process” because Zuniga-Mejia had failed to fully disclose his litigation history.

In support of his recommendation, the magistrate judge found that the omission of the two cases was “material.” Among other reasons, the magistrate judge explained, litigation history could “assist a court in identifying suits that are repetitious of prior or pending lawsuits and hence frivolous.” (Quoting *In re Epps*, 888 F.2d 964, 969 (2d Cir.1989)). Not only that, but the magistrate judge concluded that Zuniga-Mejia had “falsely responded” to the question about his litigation history.

The magistrate judge based his conclusion on a few things: (1) the complaint form expressly warned that Zuniga-Mejia needed to disclose *all* prior litigation, or his complaint would be dismissed;

(2) the magistrate judge described Zuniga-Mejia as “an experienced litigator in federal court,” based on his prior filings; (3) the form’s litigation-history questions were “straightforward and easily understandable”; and (4) the court mails every *pro se* litigant a form, upon the filing of every case, that “instructs the litigant to ‘keep one copy of all documents you file or receive in this case for your personal records.’” And for that last reason, the magistrate judge opined, “a claim that [Zuniga-Mejia] could not remember his cases would strain credulity.”

Next, the magistrate judge determined that Zuniga-Mejia’s failure to comply with the court’s prior-litigation disclosure rules was “an abuse of the judicial process warranting dismissal.” Indeed, the magistrate judge opined, “[d]ismissal without prejudice [wa]s an appropriate sanction” for Zuniga-Mejia’s omission of the two cases from his litigation history. Still, the magistrate judge recognized that, because of the statute of limitations, dismissal without prejudice was, in this case, “tantamount to dismissal with prejudice.”

That said, the magistrate judge thought that “[n]o lesser sanction would suffice to deter [Zuniga-Mejia’s] conduct.” In the magistrate judge’s view, allowing Zuniga-Mejia to amend would be no sanction at all, a finding of contempt would not deter him, and he was unlikely to pay any fine because he was an *in forma pauperis* litigant who had “intentionally depleted . . . his inmate trust account.”

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Zuniga-Mejia objected to the R&R. He argued that he failed to include the two cases because the complaint form instructed him to list “other lawsuit[s]” related to the conditions of confinement, and, in his view, those lawsuits were the same as the instant case because they raised the same claims. Zuniga-Mejia also asserted that dismissal of his case would be an abuse of discretion because, as a result of the expiration of the statute of limitations, the dismissal would effectively be with prejudice.

The district court rejected Zuniga-Mejia’s objections. It found unmeritorious Zuniga-Mejia’s argument that the prior cases he neglected to list were part of the instant action because they raised similar issues. Then the court dismissed the case as “malicious” and an “abuse of process” based on Zuniga-Mejia’s “failure to completely and honestly disclose his litigation history.” And though the district court recognized that its dismissal was equivalent to dismissing the case with prejudice because of the tolling of the statute of limitations, the court agreed with the magistrate judge that “nothing short of dismissal” would suffice.

Zuniga-Mejia appealed, and we granted leave to proceed *in forma pauperis*.

II. STANDARD OF REVIEW

We review for abuse of discretion a district court’s *sua sponte* dismissal of a complaint. See *Tazoe v. Airbus S.A.S.*, 631 F.3d 1321, 1335–37 (11th Cir. 2011). We also review for abuse of discretion a

district court’s *sua sponte* dismissal under 28 U.S.C. § 1915A for maliciousness or frivolity. *Daker v. Ward*, 999 F.3d 1300, 1307 (11th Cir. 2021).

Under the abuse-of-discretion standard, the district court enjoys “a range of choice.” *Id.* (citation omitted). We won’t disturb the court’s decision “as long as it stays within that range and is not influenced by any mistake of law.” *Id.* (citation omitted). Indeed, we will reverse only if the court has made a clear error of judgment or applied the wrong legal standard. *United States v. Frazier*, 387 F.3d 1244, 1259 (11th Cir. 2004) (en banc).

III. DISCUSSION

The district court purported to dismiss this case “as malicious and an abuse of process under 28 U.S.C. § 1915A(b)(1).” But we conclude that Zuniga-Mejia’s failure to list the two cases in his amended complaint does not satisfy Section 1915A(b)(1)’s criteria for dismissal.

Still, though the district court’s order purports to dismiss the case under Section 1915A(b)(1), we note that the district court adopted the magistrate judge’s R&R. And the body of the R&R noted the court’s “inherent power . . . to protect [its] jurisdiction from conduct which impairs [its] ability to carry out Article III functions.” Plus, our review of the record establishes that the district court made the necessary findings to dismiss the case, effectively with prejudice, under its inherent powers. So we affirm the judgment.

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We divide our discussion into two parts. First, we explain why the district court could not dismiss the case under Section 1915A(b)(1) on this record. Then, we show why the district court’s findings here were sufficient to dismiss the case, effectively with prejudice, under its inherent powers.

A. The district court lacked authority under § 1915A(b)(1) to dismiss Zuniga-Mejia’s case.

As we’ve noted, the district court purported to dismiss Zuniga-Mejia’s case as “malicious and an abuse of process under 18 U.S.C. § 1915A(b)(1).” So we start by looking at the relevant text of that statute. After all, we begin any statutory construction with the language of the statute itself. *Bellitto v. Snipes*, 935 F.3d 1192, 1200 (11th Cir. 2019). And if that language is unambiguous, we end there, as well. *Id.* That’s so because “[w]e presume that the legislature says in a statute what it means and means in a statute what it says there.” *Id.* (cleaned up).

As relevant here, Section 1915A’s text requires district courts to dismiss “as soon as practicable after docketing” a prisoner’s civil complaint (or part of such a complaint) seeking damages against a governmental entity or employee “if the complaint . . . is frivolous, malicious, or fails to state a claim upon which relief may be granted.” 28 U.S.C. § 1915A(b)(1). Under Section 1915A’s terms, we must consider whether Zuniga-Mejia’s failure to list his two prior cases made his “complaint” “frivolous” or “malicious” or caused his “complaint” to “fail[] to state a claim upon which relief may be granted.” *Id.* It did not.

Section 1915A(b)(1) is part of the Prison Litigation Reform Act (“PLRA”). The Supreme Court has explained that the PLRA’s terms show that Congress hoped the statute would “cabin not only abusive but also simply meritless prisoner suits.” *Lomax v. Ortiz-Marquez*, 590 U.S. ___, 140 S. Ct. 1721, 1726 (2020).

Among other devices to accomplish this end, besides the screening provision that Section 1915A encompasses, the PLRA includes the so-called “three strikes” provision, 28 U.S.C. § 1915(g). That section generally refuses to allow a prisoner to proceed *in forma pauperis* if, in the past, he’s brought at least three “actions” or “appeals” in federal court while in prison, that have been dismissed as “frivolous” or “malicious” or for “fail[ure] to state a claim.”¹ *McNair v. Johnson*, 143 F. 4th 1301, 1305 (11th Cir. 2025) (citing 28 U.S.C. § 1915(g)). Rather, a three-striker must first pay the filing fee to proceed. The point of this provision is “to filter out the bad claims and facilitate consideration of the good.” *Jones v. Bock*, 549 U.S. 199, 204 (2007).

We’ve noted that, “to aid in the enforcement of the PLRA’s limitations, some district courts [including the one here] require an inmate plaintiff to disclose his litigation history on a standardized form[.]” *McNair*, 143 F.4th at 1305. Still, the PLRA itself demands no such disclosure or forms. *See id.* at 1306. “[S]o, unsurprisingly,

¹ The provision contains an exception for prisoners who are “under imminent danger of serious physical injury.” *See* 28 U.S.C. § 1915(g).

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it doesn't speak to the consequences of a prisoner's failure to complete his form accurately." *Id.*

And the PLRA's consequence provisions—the “three strikes” and screening provisions we've discussed above—don't speak on that, either, when it comes to a litigant's failure to accurately disclose their litigation history. Rather, as our colleague Judge Newsom has observed, “[t]he object of the maliciousness inquiry [under Section 1915A(b)(1)]—*i.e.*, the thing that must be ‘malicious’ in order to trigger the Act's remedial provisions—is the inmate's ‘complaint’ or ‘action.’” *McNair*, 143 F.4th at 1309 (Newsom, J., concurring).

And here, we can't say that Zuniga-Mejia's failure to disclose the two prior actions made his “complaint”—or even this “action” as a whole—“malicious” or “frivolous.” As we've noted, the district court dismissed the two actions Zuniga-Mejia failed to list because Zuniga-Mejia failed to pay the filing fee, and the court denied *in forma pauperis* status. The record here shows that neither of those things had anything to do with the merits of his claims.

Nor does Zuniga-Mejia's failure to disclose the two earlier cases somehow establish that his complaint here “fail[ed] to state a claim.” Rather, the district court never considered the merits of Zuniga-Mejia's claims or how Zuniga-Mejia's failure to note the two prior cases on the form bore on the merits.

Because we don't see how Zuniga-Mejia's failure to list the two earlier cases on the standard form made his “complaint” or the “action” “frivolous” or “malicious” or caused his “complaint” to

“fail to state a claim,” the district court erred in dismissing Zuniga-Mejia’s case under Section 1915A(b)(1).

B. The district court made the necessary findings to dismiss Zuniga-Mejia’s case under its inherent powers.

Besides purporting to dismiss the case under Section 1915A(b)(1), the district court also adopted the magistrate judge’s R&R. That R&R referred at one point to the court’s “inherent powers.” And our review of the record shows that the district court made the necessary findings to support its dismissal of the case, effectively with prejudice.

Distinct from the PLRA’s dismissal authority, federal courts enjoy inherent powers “to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (citation omitted). As part of this power, federal courts have the inherent authority to “fashion an appropriate sanction for conduct which abuses the judicial process.” *Id.* at 44–45. Indeed, we’ve explained that, among other inherent powers, courts may dismiss a case as “an inherent aspect of [their] authority to enforce [their] orders and ensure prompt disposition of lawsuits.” *McNair*, 143 F.4th at 1306 (citation omitted). But “[b]ecause of their very potency, inherent powers must be exercised with restraint and discretion.” *Chambers*, 501 U.S. at 44.

“The key to unlocking [a federal court’s inherent] power is a finding of bad faith.” *Sciaretta v. Lincoln Nat’l Life Ins. Co.*, 778 F.3d 1205, 1212 (11th Cir. 2015). The sanctioned party is entitled to due

process, which “requires . . . fair notice that his conduct may warrant sanctions and the reasons why.” *In re Mroz*, 65 F.3d 1567, 1575 (11th Cir. 1995). He must also receive “an opportunity to respond, orally or in writing.” *Id.*

Generally, upon a finding of bad faith, a district court’s dismissal without prejudice does not constitute an abuse of discretion because the affected party may simply refile the action. *See, e.g., Dynes v. Army Air Force Exch. Serv.*, 720 F.2d 1495, 1499 (11th Cir. 1983) (concluding that dismissal without prejudice for failing to file a court-ordered brief was not an abuse of discretion). But when a dismissal without prejudice has the effect of precluding the plaintiff from refiling his claim because the statute of limitations has since expired, it is tantamount to a dismissal with prejudice, effectively preventing the case from being refiled. *Justice v. United States*, 6 F.3d 1474, 1482 & n.15 (11th Cir. 1993).

Dismissals with prejudice are drastic remedies that courts may employ only when lesser sanctions would not better serve the interests of justice. *Id.* A district court may use this “sanction of last resort” only when (1) “a clear record of delay or willful conduct” exists, and (2) the court finds “that lesser sanctions are inadequate.” *Zocaras v. Castro*, 465 F.3d 479, 483 (11th Cir. 2006) (citation omitted); *see, e.g., Jones v. Graham*, 709 F.2d 1457, 1461–63 (11th Cir. 1983) (per curiam) (affirming the district court’s dismissal with prejudice, as plaintiffs failed to timely comply with five court orders and left defendants’ motion to dismiss unopposed for eight months); *Attwood v. Singletary*, 105 F.3d 610, 611–13 (11th Cir.

1997) (ruling dismissal with prejudice to be proper when *pro se* litigant falsely claimed indigency and filed over 60 claims in one court alone).

In the absence of willful or bad-faith conduct, “cutting off a plaintiff’s potentially meritorious action is an unduly harsh sanction.” *Justice*, 6 F.3d at 1481. So mere negligence or confusion is not enough to show willful misconduct. *Zocaras*, 465 F.3d at 483. For these reasons, we are strict in striking down a district court’s imposition of a dismissal with prejudice if the court fails to “reflect[] upon the wide range of [lesser] sanctions at its disposal.” *Mingo v. Sugar Cane Growers Co-Op*, 864 F.2d 101, 103 (11th Cir. 1989); *see also Cohen v. Carnival Cruise Lines, Inc.*, 782 F.2d 923, 925 (11th Cir. 1986) (ruling that the trial court’s dismissal with prejudice was improper partly because of the “court’s failure to consider less drastic sanctions for non-compliance”).

With these considerations in mind, we conclude that we must affirm the district court’s dismissal here.

First, the district court complied with all the requirements for exercising its inherent powers. It effectively made a finding of bad faith, holding that Zuniga-Mejia’s failure to list his earlier two cases was “malicious” and an “abuse of the judicial process.” The court also gave Zuniga-Mejia notice of its concerns in the form of the magistrate judge’s R&R. Not only that, but Zuniga-Mejia had the chance to respond, and he did so, filing objections to the R&R.

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The district court also expressly found that, even though its dismissal of Zuniga-Mejia's case without prejudice was effectively a dismissal with prejudice, no lesser sanctions would do.

Second, we can't say that any of the district court's findings were an abuse of discretion or clearly erroneous. The magistrate judge's order directing Zuniga-Mejia to file his complaint on the district's form instructed Zuniga-Mejia to answer all questions about his litigation history "completely and honestly." The order also warned that failure to answer questions honestly may result in dismissal. Plus, this is Zuniga-Mejia's third suit on these same facts and against these same defendants that a court has dismissed without prejudice for failure to disclose all prior cases. So Zuniga-Mejia was on notice that dismissal without prejudice could ensue for failure to disclose his entire litigation history.

Third, Zuniga-Mejia failed to follow the magistrate judge's order as it related to his litigation history. He did not have any clear impediments that would have prevented him from obtaining and presenting his full litigation history. As the magistrate judge noted, Zuniga-Mejia had over 60 days to request from the clerk a list of all cases he had previously filed in the Northern District of Florida. And if he couldn't get the information, Zuniga-Mejia could have indicated his uncertainty about his filing history on the complaint form. After all, that's what he did with his Middle District case.

Fourth, the magistrate judge acknowledged that dismissal without prejudice was "an appropriate sanction" for Zuniga-

Mejia’s “abuse of the judicial process in not providing . . . true statements or responses.” Although he recommended dismissal without prejudice, the magistrate judge also noted that the statute of limitations would likely bar Zuniga-Mejia from refiling. But the magistrate judge explained why no lesser sanction would do. He noted that the court had previously dismissed Zuniga-Mejia’s cases without prejudice for failure to accurately disclose his litigation history, yet Zuniga-Mejia continued to do the same thing. The district court “agree[d] with” and “adopted” the magistrate judge’s recommendations.

We find no clear error in the district court’s factual findings. Nor do we find any abuse of discretion in the court’s decision to dismiss the case under its inherent powers.

For these reasons, we affirm the district court’s dismissal of Zuniga-Mejia’s case.

AFFIRMED.