NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-14079
Non-Argument Calendar

ANTHONY I. PROVITOLA,

Plaintiff-Appellant,

versus

DENNIS L. COMER,
FRANK A. FORD, JR.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:20-cv-00862-PGB-DCI

Before BRANCH, GRANT, and ANDERSON, Circuit Judges.

PER CURIAM:

This is plaintiff Anthony I. Provitola's third appeal in this case. He lost twice before, and he loses again. We affirm.

I.

Provitola is a lawyer from Florida. We have recounted his allegations in two prior opinions. *See Provitola v. Comer*, No. 21-10878, 2022 WL 823582 (11th Cir. Mar. 18, 2022); No. 22-12513, 2024 WL 1479557 (11th Cir. Apr. 5, 2024).

Here's what's new: since our most recent opinion, the district court granted defendants Dennis L. Comer and Frank A. Ford, Jr.'s motion for attorney's fees under 42 U.S.C. § 1988(b) and, alternatively, 28 U.S.C. § 1927. Provitola moved to disqualify the district judge for bias, which went nowhere. The court then awarded Comer and Ford $26,834 in attorney's fees.[1] Provitola appeals that award.

II.

"We review the determination that a plaintiff's case was so frivolous, unreasonable, or groundless, as to justify an award of fees under 42 U.S.C. § 1988 for abuse of discretion." *Beach Blitz Co. v. City of Miami Beach*, 13 F.4th 1289, 1297 (11th Cir. 2021) (quotation omitted). We view the record in the light most favorable to the non-prevailing plaintiff. *See Johnson v. Florida*, 348 F.3d 1334, 1354 (11th Cir. 2003). We review the amount of attorney's fees

[1] This is the sum of $18,459 in attorney's fees for the district court action and $8,375 for the appeals. We transferred Comer and Ford's motion for appellate attorney's fees to the district court for its consideration. The court granted the motion. Provitola does not challenge the $83.55 costs award.

awarded for abuse of discretion. *See McMahan v. Toto*, 311 F.3d 1077, 1084 (11th Cir. 2002).

III.

A.

A defendant may be a "prevailing party" under § 1988(b) even if the case is dismissed without prejudice for lack of jurisdiction. If "the case is resolved in the defendant's favor"—if the defendant obtains a judgment placing "judicial *imprimatur*" on his view of the parties' legal relationship—he has prevailed.[2] *CRST Van Expedited, Inc. v. Equal Emp. Opportunity Comm'n*, 578 U.S. 419, 422, 432 (2016) (quotation omitted); *see Beach Blitz Co.*, 13 F.4th at 1298.

Here, Comer and Ford successfully rebuffed Provitola's efforts to materially alter the parties' legal relationship. Provitola came into court seeking declaratory and injunctive relief, but left with nothing but disappointment: the district court dismissed all of his claims, and we affirmed. Even though Comer and Ford won

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[2] In *Lackey v. Stinnie*, 604 U.S. 192 (2025), the Supreme Court held that a plaintiff does not become a "prevailing party" under § 1988(b) merely because it secured a preliminary injunction. But, emphasizing that "plaintiffs and defendants come to court with different objectives," the Court noted that the *Lackey* decision should not be read to affect its previous holding on attorney's fees for *defendants*—"that a defendant need not obtain a favorable judgment on the merits to prevail." *Id.* at 204 n.* (alteration adopted) (citing *CRST Van Expedited, Inc. v. Equal Emp. Opportunity Comm'n*, 578 U.S. 419, 431–34 (2016)). Nor did the Court address a related question that it had previously left open: "whether a defendant must obtain a preclusive judgment in order to prevail." *Id.*

on jurisdictional grounds, they are still "prevailing part[ies]" under § 1988(b).

B.

A prevailing defendant is entitled to attorney's fees only if the lawsuit is "frivolous, unreasonable, or without foundation," or "the plaintiff continued to litigate after it clearly became so." *Christiansburg Garment Co. v. Equal Emp. Opportunity Comm'n*, 434 U.S. 412, 421–22 (1978); *see Hughes v. Rowe*, 449 U.S. 5, 14 (1980).

Provitola filed this § 1983 suit to challenge the "corruption" of various state court trial and appellate judges who "illegally" ruled against him. He requested a judgment declaring "null and void" "all of the unconstitutional actions" of the state courts. As we explained, this suit squarely and obviously falls under the *Rooker-Feldman* doctrine, which divests federal district courts of subject-matter jurisdiction over suits to "overturn an injurious state-court judgment." *Behr v. Campbell*, 8 F.4th 1206, 1210 (11th Cir. 2021) (quoting *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 292 (2005)); *Provitola v. Comer*, 2022 WL 823582, at *2 (quotation omitted). Even so, Provitola attempted to file yet another amended complaint, asserting the exact claims that we already rejected. Worse, he accused the district court of disobeying our mandate by denying leave to amend. At every juncture, Provitola has deployed vexatious tactics to pursue frivolous claims.

In this appeal, Provitola does not so much as try to demonstrate a colorable basis for subject-matter jurisdiction. Rather, he rehashes arguments that we rejected the first and second times

around. We see no abuse of discretion in the district court's conclusion that his lawsuit is frivolous.

C.

The amount of attorney's fees awarded must be "reasonable." 42 U.S.C. § 1988(b). To reach the right number, the court must multiply "the number of hours worked" by the "prevailing hourly rates"—leading to the "lodestar" figure. *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 546 (2010). There "is a strong presumption that the lodestar figure is reasonable, but that presumption may be overcome" in "rare circumstances" not relevant here. *Id.* at 554 (internal quotation marks omitted).

Provitola filed this lawsuit over five years ago. Comer and Ford have expended tremendous time and expense on this case—both in the district court and on appeal. The district court carefully evaluated the reasonableness of defense counsels' hourly rate and hours expended. The court did not rubber stamp their fee requests; it parsed billing records for excessive entries, block billing, and other errors. In any event, Provitola does not contend that the district court erred in its lodestar calculation, so any such argument is forfeited.

"Determining a 'reasonable attorney's fee' is a matter that is committed to the sound discretion of a trial judge." *Perdue*, 559 U.S. at 558 (quoting 42 U.S.C. § 1988). The district court was well within its discretion to award Comer and Ford $26,834 in attorney's fees. Because that award was permissible under § 1988(b), we need not decide whether the same is true under 28 U.S.C. § 1927.

* * *

This case is frivolous, through and through. It doesn't belong in federal court. Provitola pursued this litigation with eyes wide open, and prolonged what should have been a quick dismissal into a five-year-long war of attrition. We **AFFIRM**.