

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-14126
Non-Argument Calendar

CHRISTINE CICHOWSKI,
STANLEY CICHOWSKI,
KEVIN CICHOWSKI,

Plaintiffs-Appellants,

versus

CITY OF PALM COAST,
RICHARD LOTT,

Code Inspector, in his official and unofficial capacity,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 3:23-cv-01506-HES-MCR

Before GRANT, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

The Cichowskis—Christine, Stanley, and their son Kevin—are residents of the City of Palm Coast and the owners of a large boat, which they keep tied up to the dock behind their home. Their efforts to secure that boat during a pair of hurricanes in the fall of 2022 kicked off a series of interactions with the city and one of its code inspectors. Eventually they filed suit pro se, but the district court dismissed their amended complaint as a shotgun pleading, albeit without prejudice and with leave to amend. The court explained the deficiencies in their complaint, directed the Cichowskis to resources to help them cure those deficiencies, and gave them fourteen days to try again. The Cichowskis, still proceeding pro se, timely filed their Second Amended Complaint. Before the district court could rule, they also filed two motions for temporary restraining orders and a motion to amend the Second Amended Complaint. The court eventually dismissed the Second Amended Complaint with prejudice as a shotgun pleading and denied or terminated the various motions. The Cichowskis timely appealed, again pro se.

Although we construe filings by pro se litigants liberally, this leniency does not give us “license to serve as *de facto* counsel for a party, or to rewrite an otherwise deficient pleading in order to sustain an action.” *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168–69 (11th Cir. 2014) (quotation omitted). Put simply, we may consider only those issues the Cichowskis have raised themselves, and we cannot make their arguments for them.

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Construed liberally, the Cichowskis' briefing raises three issues that are cognizable on appeal: (1) the dismissal of the Second Amended Complaint as a shotgun pleading, (2) the denial of leave to amend their complaint yet again, and (3) the denial of their motions for a temporary restraining order.¹ The bulk of their briefing, however, focuses on presenting and arguing the underlying merits of their claims, merits which it is not our place to adjudicate on appeal from the dismissal of their complaint.

We review the dismissal of a complaint as a shotgun pleading for abuse of discretion. *Barmapov v. Amuial*, 986 F.3d 1321, 1324 (11th Cir. 2021). Shotgun pleadings are cumbersome or confusing complaints that violate either the requirement that a complaint provide "a short and plain statement of the claim showing that the pleader is entitled to relief" or the requirement that a party "state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances," or both. Fed. R. Civ. P. 8(a)(2), 10(b); see *Barmapov*, 986 F.3d at 1324. As a result, shotgun pleadings fail "to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests." *Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1323 (11th Cir. 2015).

¹ In their reply brief, the Cichowskis also appear to raise an objection to the district court's treatment of a motion they filed for partial summary judgment, but we do not consider issues raised for the first time in an appellant's reply brief. See *United States v. Levy*, 379 F.3d 1241, 1244 (11th Cir. 2004).

The Cichowskis' Second Amended Complaint begins with an unnumbered background section that alleges a set of facts not tied to any particular cause of action. It continues with a section listing three counts not connected to any particular facts or allegations, cites two Florida statutes to no apparent effect, offers several paragraphs of conclusory statements unrelated to any factual allegations or causes of action, requests relief not supported by the allegations, and wraps up with more conclusory statements not obviously related to any cause of action. The district court rightly identified this as an example of the type of shotgun pleading that is "replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action." *Id.* at 1322.

On appeal, the Cichowskis do not explain how the district court abused its discretion in concluding that their complaint was a shotgun pleading, nor do they cite any caselaw related to the shotgun pleading analysis. And this Court has "long held that an appellant abandons a claim when he either makes only passing references to it or raises it in a perfunctory manner without supporting arguments and authority." *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014). Even pro se litigants abandon an issue on appeal when they offer no substantive argument on it in their briefs. *See Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008).

Because they fail to provide supporting arguments and authority in their briefing to challenge the district court's determination that the Second Amended Complaint was an

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impermissible shotgun pleading, the Cichowskis have abandoned the issue. *Sapuppo*, 739 F.3d at 681. We find no abuse of discretion in the dismissal of the Second Amended Complaint.

The Cichowskis' other possible grounds for appeal fare no better. Any possible objection to the dismissal having been made with prejudice is abandoned because their briefing does not reference it. *Timson*, 518 F.3d at 874. They do raise the district court's denial of leave to amend their complaint again, but they offer no arguments in support of reversing the district court. This issue too is abandoned. Finally, to the extent that their briefing can be construed as appealing the denial of their motions for a temporary restraining order, the Cichowskis again make no legal arguments, which means that they have abandoned this issue as well.

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The district court's order dismissing the Second Amended Complaint with prejudice and denying their motions is **AFFIRMED**.