

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10436
Non-Argument Calendar

JAMES BUSSEY,

Plaintiff-Appellant,

BRENDA SANDOVA REY,

Plaintiff,

versus

MCCALLA RAYMER LEIBERT PIERCE, LLC,

BRIANA TOOKES,

ROSEMARY METZ,

Defendants-Appellees,

FAIRWAY INDEPENDANT MORTGAGE
CORPORATION,

CHRIS SHUMATE,

Consol Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:24-cv-03329-VMC

Before JORDAN, LAGOA, and KIDD, Circuit Judges.

PER CURIAM:

James Bussey and Brenda Sandoval Rey, proceeding pro se, appeal the district court's orders dismissing their complaint as a shotgun pleading and denying their post-judgment filings as moot. Bussey and Rey also argue that the district court should have recused itself because of its bias towards the defendants in the lawsuit. For the reasons discussed below, we affirm.

I. Factual and Procedural Background

This lawsuit arose from a mortgage loan agreement Bussey and Rey entered with Fairway Independent Mortgage Corporation ("Fairway") to purchase a residential property located in Roswell, Georgia (the "Property"). The debt was allegedly sold to a debt collection agency, M&T Bank, even though the loan was paid off. M&T Bank, through its attorneys at McCalla, Raymer, Leiber, and Pierce, LLC ("MRLP"), attempted to collect on the debt and threatened foreclosure. When Bussey and Rey did not pay, the home was listed for sale. On three occasions, Bussey and Rey attempted to notify Fairway and MRLP of their intention to rescind the mortgage due to alleged fraud. Bussey and Rey initiated the present lawsuit after Fairway and MRLP did not comply with their requests for rescission.

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On July 26, 2024, Bussey and Rey filed a complaint in district court against MRLP and Briana Tookes¹ (“*Bussey I*”) for their role in the allegedly improper collection of debt.

MRLP and Tookes filed a motion to dismiss Bussey and Rey’s complaint as a shotgun pleading. While the motion to dismiss was pending, Bussey and Rey filed several ancillary motions, including Motions “to Strike Defendant’s Answer,” “to Remove All Attorneys from the Case,” and “for Default Judgment”; a Motion for Summary Judgment; and a “Motion for Emergency Request to Ask the Court to Grant Rights to Rescind Mortgage.”

On October 4, 2024, the magistrate judge ordered Bussey and Rey to file a more definite complaint and advised them that failure to comply could result in the striking of their complaint and dismissal of the case. In addition, the magistrate judge’s order provided explicit instructions on how to replead their case.

Bussey and Rey filed an amended complaint and on October 23, 2024, the magistrate judge issued a report and recommendation (“R&R”) recommending that the amended complaint be dismissed as a shotgun pleading. The magistrate judge also recommended that Bussey and Rey’s ancillary motions be denied as frivolous because they cited “no legitimate legal or factual basis for their requests.”

Instead of objecting to the R&R, Bussey and Rey filed a Motion for Temporary Restraining Order and Preliminary Injunction

¹ Briana Tookes was an attorney at MLRP during the relevant period.

requesting that the district court enjoin MRLP and Tookes from proceeding with a foreclosure sale of the Property. Bussey and Rey did not provide notice of the motion to MRLP and Tookes before filing it, so the motion was ex parte.

On October 30, 2024, Bussey and Rey filed an additional action (“*Bussey II*”) against Fairway, Chris Shumate,² and MRLP alleging violations of the Truth in Lending Act for failure to honor Bussey and Rey’s request to rescind their loan on the Property. On this same day, Bussey and Rey also filed the same TRO motion that was filed in *Bussey I*, in *Bussey II*.

On November 1, 2024, the district court denied Bussey and Rey’s TRO motion because they failed to allege specific facts showing that immediate and irreparable harm will result before the opposing party had a chance to respond, as required by the heightened ex parte pleading requirements. In that same order, the district court consolidated the *Bussey I* and *II* actions.³

After an additional flurry of motions and amended complaints—such as a “Motion to Dismiss Defendants and Company

² Chris Schumate was an employee at Fairway during the relevant period.

³ Even after the district court consolidated the actions, and after they later appealed the district court’s order, Bussey and Rey filed an amended complaint and additional motions, including a motion to disqualify the district court judge, in *Bussey II*. On July 11, 2025, the district court denied these motions as moot and further ordered that it would take no further action for any filings in this docket.

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Due to Falsification of Bank Records,” “Motion to Disqualify Attorney and Law Firm,” “Motion for Clerks Entry of Default,” “Motion for Clerks [sic] Entry of Default Judgment,” “Motion for Speedy Trial,” and “Motion to Compel Defendant’s Attorney to Provide Proof of [Foreign Agents Registration Act (“FARA”)] Compliance”—the district court adopted the R&R in full on December 23, 2024, dismissed the case with prejudice, and denied any pending motions as moot.

Bussey and Ray, however, continued filing motions including another amended complaint (the “Post-Judgment Filings”) after the December 23 order. On December 27, 2024, Bussey and Rey filed a “Motion for Status Report” requesting that Fairway, Shumate, MRLP, and Tookes respond to their complaint and motions. That same day, Bussey and Ray also filed a second amended complaint adding Rosemary Metz⁴ and other unknown individuals (defined by Bussey and Rey as “John Does 1-10”) as defendants and included a claim under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962. On December 30, 2024, Bussey and Rey filed a motion to compel MRLP, Tookes, and John Does 1-10 to produce their licenses issued pursuant to FARA for their alleged “act[ions] as agents of foreign principals.” On January 3, 2025, Bussey and Rey filed their objections to the now-adopted R&R. And on January 13, 2025, Bussey and Rey filed a certificate of service alleging that they served a “Motion for Foreign Affidavit

⁴ Rosemary Metz was an employee at Fairway during the relevant period.

Special Appearance” on MRLP and Tookes that requested production of various tax documents.

On January 29, 2025, the district court filed an order dismissing the Post-Judgment Filings as moot because the case was dismissed with prejudice on December 23, 2024, and the deadline to appeal that final judgment had passed. The district court also determined that to the extent any of the Post-Judgment Filings could be construed as a motion to set aside the December 23 dismissal, they were without merit. Lastly, the district court cautioned Bussey and Rey that any additional filings in the closed case “may result in filing restrictions going forward.”

On February 7, 2025, Bussey and Rey filed an “Objection to Court Order Dated January 29, 2025,” and requested that the district court reconsider its dismissal of their claims. In addition, Bussey and Rey newly argued that the district court’s actions demonstrated “favoritism,” “bias, procedural misconduct, and selective judicial enforcement” that warranted “immediate recusal.”

Before the district court could rule on Bussey and Rey’s February 7 motion, they filed a notice of appeal and an amended notice of appeal challenging the district court’s December 23 and January 29 orders.

A two-judge panel of this Court concluded that we did not have jurisdiction to hear the appeal until the district court ruled on Bussey and Rey’s February 7 filing, which we construed as a motion to reconsider.

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On July 11, 2025, the district court denied Bussey and Rey’s February 7 objection because they merely presented the same arguments that the district court previously found unpersuasive. Even if the district court were to consider their motion on the merits, it concluded that Bussey and Rey “again resort[ed] to conclusory allegations and ad hominin attacks, neither of which [were] grounds for reconsideration.”

Because the district court ruled on the motion to reconsider, Bussey and Rey’s appeal is now properly before this Court.

II. Standard of Review

“This court reviews the denial of post-judgment motions under an abuse of discretion standard.” *Green v. Union Foundry Co.*, 281 F.3d 1229, 1233 (11th Cir. 2002). Mootness is a question of law that this Court reviews de novo. *Sheely v. MRI Radiology Network, P.A.*, 505 F.3d 1173, 1182 (11th Cir. 2007).

This Court reviews a district judge’s decision not to recuse herself for abuse of discretion. *Jenkins v. Anton*, 922 F.3d 1257, 1271 (11th Cir. 2019).

III. Analysis

On appeal, Bussey and Rey raise five arguments. First, they argue that the district court improperly consolidated their cases without notice, in violation of their due process rights. Second, they contend that the district court’s failure to rule on their motions deprived them of “procedural fairness.” Third, they argue

that the district court erred by dismissing their complaint as frivolous. Fourth, they assert that the district court's refusal to grant their motion to compel violated the rules of discovery. And fifth, they also argue that the district court was biased and the case should be reassigned.

At the outset, we must determine which of the issues on appeal are properly before us. On January 9, 2026, a three-judge panel of this Court dismissed part of Bussey and Rey's appeal for lack of jurisdiction. The panel held that this Court lacked jurisdiction over the appeal of the district court's December 23 final judgment because the appeal was untimely but had jurisdiction over Bussey and Rey's appeal of the district court's January 29 order denying the Post-Judgment Filings because that appeal was timely.

Thus, after this Court's jurisdictional order, we conclude that only Bussey and Rey's challenges to the district court's January 23 order dismissing their Post-Judgment Filings as moot and their accusations of judicial bias are properly before us. We address each in turn.

A. Post-Judgment Filings

The Supreme Court has instructed that "a federal court has no authority to give opinions upon moot questions or abstract propositions ... which cannot affect the matter in issue in the case before it." *Church of Scientology of California v. United States*, 506 U.S. 9, 12 (1992) (citation modified). This doctrine is derived from the Constitution's Article III case and controversies requirement. *Marmol v. Kalonymus Dev. Partners, LLC*, 161 F.4th 715, 722 (11th Cir.

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2025). A pending motion can be moot when there is no longer a live controversy for which the court can give meaningful relief. See *id.* “Any decision on the merits of a moot case or issue would be an impermissible advisory opinion.” *Fla. Ass’n of Rehab. Facilities, Inc. v. Fla. Dep’t of Health & Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000).

Here, we conclude that the district court did not err in denying Bussey and Rey’s Post-Judgment Filings as moot. As recounted above, the district court adopted the R&R and dismissed the case with prejudice on December 23, 2024, and the dismissal order became final on January 22, 2025, after the deadline to appeal expired, see Fed. R. App. P. 4(a)(1)(A). “Having achieved finality ... [the] judicial decision bec[ame] the last word of the judicial department with regard to [this] particular case or controversy” and there was no longer a live case or controversy before the district court. See *Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211, 227 (1995); see also *Dougan v. Singletary*, 129 F.3d 1424, 1426 (11th Cir. 1997). Any decision on the Post-Judgment Filings, thus, would have been “an impermissible advisory opinion.” See *Fla. Ass’n of Rehab. Facilities, Inc.*, 225 F.3d at 1217.

Indeed, none of the Post-Judgment Filings challenged the district court’s dismissal. Instead, the filings were tethered to a case or controversy that ceased to exist. See *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007) (“[A]lthough we are to give liberal construction the pleadings of pro se litigants, we nevertheless have required them to conform to procedural rules.”). For example, the

Motion for Status Report requested that the district order the defendants to respond to the amended complaint. But after the case was dismissed, there was no longer an obligation to file an answer and the district court was unable to provide meaningful relief. *See Marmol*, 161 F.4th at 722; *cf.* Fed. R. Civ. P. 12. Next, Bussey and Rey's second amended complaint was filed without the district court's leave even though the district court already concluded that further amendments would be futile. Having exhausted their chance to amend their complaint in accordance with the magistrate judge's thorough pleading guidelines, Bussey and Rey were not at liberty to file a second amended complaint without the court's leave, especially after the judgment became final. *Cf.* Fed. R. Civ. P. 15. As to their second objection to the R&R, the district court already adopted the magistrate judge's recommendation in full and Bussey and Rey's subsequent objections were no longer relevant. *See* 28 U.S.C. § 636(b)(1)(C). To the extent the objection could be construed as a motion to reconsider, the district court did not abuse its discretion by concluding that the arguments raised merely parroted the arguments in Bussey and Rey's previous filings. *See Wilchombe v. TeeVee Toons, Inc.*, 555 F.3d 949, 957 (11th Cir. 2009). And lastly, the "Motion to Enforce Compliance with DOJ Directive on FARA License Requirements" and "Motion for Foreign Affidavit Special Appearance," which are essentially discovery motions to compel production of documents, have no effect after the district court dismissed the case with prejudice. *See Fla. Ass'n of Rehab. Facilities, Inc.*, 225 F.3d at 1217.

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We thus conclude that the district court did not err by denying the Post-Judgment Filings as moot.

B. Judicial Bias

Bussey and Rey also argue that the January 29 order's caution against filing additional papers constituted judicial bias and obstruction of justice. They argue that this order demonstrated the district judge's favoritism towards the defendants and warranted recusal.

The standard for recusal is “whether an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge’s impartiality.” *Jenkins v. Anton*, 922 F.3d 1257, 1271 (11th Cir. 2019) (citation modified). Bias requiring recusal generally must stem from extrajudicial sources and be focused against a party to the proceeding, unless a judge’s remark made in a judicial context “demonstrate such pervasive bias and prejudice that it constitutes bias against a party. *Hamm v. Members of Bd. of Regents of State of Fla.*, 708 F.2d 647, 651 (11th Cir. 1983). Adverse rulings do not constitute “pervasive bias.” *Id.*

Here, and after construing their arguments liberally as we must, *see Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008), we conclude that Bussey and Rey’s baseless accusations of judicial bias and obstruction of justice are nothing more than the grievances of disgruntled litigants about the outcome of their case. After filing eighteen motions in *Bussey I* and six more in *Bussey II*—many of them frivolous, conclusory, and filed after the case was closed—the

district court was well within its discretion as “the master of its own docket” to restrict further filings.⁵ See *McLaurin v. Terminix Int’l Co., LP*, 13 F.4th 1232, 1243 (11th Cir. 2021). None of the adverse rulings complained of comes close to suggesting “a significant doubt about the judge’s impartiality” or “pervasive bias and prejudice.” See *Jenkins*, 922 F.3d at 1271; *Hamm* 708 F.2d at 651.

Thus, no recusal was warranted.

IV. Conclusion

For the reasons discussed above, we conclude that the district court correctly denied Bussey and Rey’s Post-Judgment Filings as moot and did not exhibit objectionable conduct in doing so. We thus affirm its order denying Bussey and Rey’s filings.

AFFIRMED.

⁵ Along similar lines, Bussey and Rey’s argument that *Bussey I* and *II* should be separated is unpersuasive. On February 20, 2025, Bussey and Rey filed emergency motions “to separate cases and correct [the] record before the court” and “separate consolidate cases and ensure accurate record filing.” A district court’s decision to consolidate multiple actions is “purely discretionary.” *Eghnayem v. Boston Sci. Corp.*, 873 F.3d 1304, 1313 (11th Cir. 2017). In the past, we have encouraged district courts to use Fed. R. Civ. P. 42(a) to eliminate unnecessary repetition and confusion. See, e.g., *Hendrix v. Raybestos-Manhattan, Inc.*, 776 F.2d 1492, 1495 (11th Cir. 1985). Here, we conclude that the district court did not abuse its discretion because *Bussey I* and *II* raised the same claims arising from the same factual allegations against similar defendants. See *Eghnayem*, 873 F.3d at 1313.