

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12318
Non-Argument Calendar

CIVICA SIMPSON,

Plaintiff-Appellant,

versus

CHIEF JUSTICE JESSICA RECKSIEDLER,
EX-OFFICIO CLERK GRANT MALLOY,
DOES I - D [500],
JUDGE MELANIE FREEMAN CHASE,

Individual and Official Capacity,

JUDGE MELISSA D. SOUTO,

Individual and Official Capacity, et al.,

Defendants-Appellees,

IMMIGRATION AND CUST ICE, et al.,

Defendants.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:24-cv-01367-CEM-NWH

Before WILLIAM PRYOR, Chief Judge, and NEWSOM and BRASHER,
Circuit Judges.

PER CURIAM:

Civica Simpson appeals the dismissal of her corrected second amended complaint with prejudice. She argues that the district court erred in failing to address whether it had subject-matter jurisdiction over the case and personal jurisdiction over the defendants, and she argues that the district court lacked subject-matter jurisdiction. Second, she argues that the magistrate judge lacked the authority to rule on various non-dispositive orders because she did not consent to it. Third, she argues that the district court abused its discretion when it dismissed her corrected second amended complaint as a shotgun pleading. We affirm.

I. BACKGROUND

In August 2024, Simpson filed her first amended *pro se* complaint. *See* 42 U.S.C. § 1983. She alleged that Chief Justice Jessica Recksiedler, Clerk of Court Grant Maloy, “Immigration and Customs Enforcement (ICE) et al”, and “Does 1-D [1-500],” violated her rights under the federal and state constitutions, as well as federal, state, and international law.

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In October 2024, Simpson attempted to file a second amended complaint, which the magistrate judge struck because she had already amended her complaint once as a matter of course. The magistrate judge informed Simpson that she would need to seek leave if she wanted to amend her complaint again. Simpson then filed a “motion for clarification” that failed to explain what clarification she sought, so the magistrate judge denied the motion. Meanwhile, Maloy moved to dismiss Simpson’s amended complaint.

In November 2024, Simpson again attempted to amend her complaint, and the magistrate judge struck the filing and reiterated that Simpson had already amended her complaint as of right and needed either leave of the court or the opposing party’s consent to amend it again.

Simpson then moved to amend her complaint. The proposed amended complaint she attached to her motion was seven times as long and included almost 30 more defendants, as well as new claims and attachments. She also moved for an entry of default against Maloy, which the magistrate judge denied because Maloy had responded to Simpson’s amended complaint by moving to dismiss it.

The magistrate judge then granted in part and denied in part Simpson’s motion to amend her complaint. The magistrate judge found that Simpson should be allowed to amend her complaint based, in part, on her *pro se* status and the fact that this was her first motion to amend, but determined that her proposed second

amended complaint was a shotgun pleading in violation of Federal Rules of Civil Procedure 8 and 10 because it was replete with conclusory and vague factual allegations that were difficult to follow, failed to separate the causes of actions into different counts, and failed to state what claims or claim was against which defendants. The magistrate judge told Simpson to “streamline” her complaint to bring it into compliance with Rules 8 and 10 and warned her that failure to do so could result in the dismissal of her case.

Simpson filed her second amended complaint, which she later corrected, and is now the operative complaint. She named 33 defendants: (1) Maloy; (2) Sheriff Dennis Lemma of the Seminole County Sheriff’s Office; (3) Judge Melanie Chase; (4) Doe Defendants 1 through 500; (5) Judge Melissa Souto; (6) Judge John Galluzzo; (6) Judge Christopher Sprysenski; (7) Grainne O’Sullivan, Director of Children’s Legal Services with the Department of Children and Families; (8) Reneta Williams, former senior attorney for the Department of Children and Families; (9) Stephanie Circosta, a guardian ad litem attorney; (10) Doreen Singh, a guardian ad litem volunteer; (11) Gerry Glynn, the Chief Executive Officer of Embrace Families; (12) Korey Waldrop, a social worker with the Seminole County Sheriff’s Office; (13) Rebecca Laguardia, another social worker with the Seminole County Sheriff’s Office; (14) Sheriff Peyton Grinnell at the Lake County Jail; (15) Judge Cary Rada; (16) Gary Cooney, Clerk of Court for Lake County; (17) Rachel Jones, Assistant State Attorney; (18) Sheriff John Mina with the Orange County Sheriff’s Office; (19) Judge Vincent Chiu; (20) Tiffany Russell, Clerk of Court for Orange County; (21) Christopher Ryan, Jr.,

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Assistant State Attorney; (22) Torrie Spatcher with Torrie's Bail Bonds; (23) Administrative Law Judge Christina Martyak; (24) Alberto Cornavaca, a deportation officer; (25) Judge Dawn Nichols; (26) Sheriff Scotty Rhoden with the Baker County Sheriff's Office; (27) Sheriff Michael Chitwood with the Volusia County Sheriff's Office; (28) Laura Roth, Clerk of Court for Volusia County; (29) Joshua Mott, a public defender; (30) Nicholas Kramperth, former Assistant State Attorney; (31) Natalie Singh, her children's foster mother; (32) Judge Celine Cannon, a former magistrate judge for Seminole County; and (33) Michele Velazquez, a child welfare case manager with Camelot Community Center.

She alleged that they violated her federal civil rights, 42 U.S.C. § 1986; *Monell v. Dep't of Soc. Servs. Of City of N.Y.*, 436 U.S. 658 (1978); 18 U.S.C. §§ 241, 242, 872, 1001, 1201, 1621, 1349, and 1512; the Florida constitution; 5 U.S.C. § 3331; Federal Rule of Criminal Procedure 5; Fla. Stat. § 827.4(1); Article III of the United States Constitution; the First, Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution; and 42 U.S.C. § 12203. Simpson alleged that the defendants unlawfully arrested, maliciously prosecuted, assaulted, battered, and falsely imprisoned her, and removed her children from her custody without due process. She requested the return of her children, declaratory relief, \$250,000 in compensatory damages against each defendant, \$250,000 in punitive damages against each defendant, \$1 million in punitive damages against each defendant, expungement of her arrest record, and court costs and fees.

Most of the defendants filed motions, many of them jointly, to dismiss Simpson's corrected second amended complaint. Simpson moved to strike all but one of the motions to dismiss, filed various responses to them, and moved for default judgment against the majority of the defendants.

The district court granted the motions to dismiss, denied Simpson's motions to strike, and dismissed all other outstanding motions, including Simpson's motions for default, as moot. It stated that some defendants had made jurisdictional arguments based on immunity doctrines in their motions to dismiss and acknowledged that it was "typically obligated to consider subject matter jurisdiction first," but due to the "confusing shotgun nature" of the corrected second amended complaint, it was "impossible" to undertake any of those analyses. It also stated that most of the motions to dismiss argued that the corrected second amended complaint was a shotgun pleading, and that it was allowed to raise the issue *sua sponte*, in any event.

The district court ruled that the corrected second amended complaint was a shotgun pleading for three reasons. First, the corrected second amended complaint was replete with conclusory, vague, and immaterial facts that were not obviously connected to a particular cause of action. Second, it failed to separate each count into a different cause of action or claim for relief. Third, it asserted multiple claims against multiple defendants without specifying which defendant was responsible for which act or omission, or which defendant the claim was brought against.

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The district court ruled that it could not determine the precise claims Simpson sought to allege, as her allegations were so intertwined with one another that, even where broken down by defendant, they were confusing and conclusory. It ruled that the corrected second amended complaint failed to comply with the magistrate judge's order. It stated that the magistrate judge had provided Simpson clear directions for filing a complaint and that she had been given multiple opportunities to plead her claims. It ruled that dismissal with prejudice was appropriate. It directed the clerk to close the case, but a separate judgment was not entered.

Simpson moved for reconsideration under Federal Rules of Civil Procedure 59(a) and 60(b)(1), which the district court denied. The district court ruled that Simpson failed to comply with the page limit for the motion and did "nothing more than rehash arguments already made." Simpson filed another motion for reconsideration after filing her notice of appeal, which the district court also denied.

II. STANDARDS OF REVIEW

We review the subject-matter jurisdiction *de novo*. *Upper Chattahoochee Riverkeeper Fund, Inc. v. City of Atlanta*, 701 F.3d 669, 679 (11th Cir. 2012). 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). "A district court abuses its discretion when it applies an incorrect legal standard, follows improper procedures in making the determination, or makes findings of fact

that are clearly erroneous.” *Klay v. Humana, Inc.*, 382 F.3d 1241, 1251 (11th Cir. 2004).

III. DISCUSSION

We divide our discussion into three parts. First, we address Simpson’s arguments about jurisdiction. Second, we explain that Simpson failed to preserve her right to appeal the magistrate judge’s orders. Third, we explain that the district court did not abuse its discretion in dismissing Simpson’s corrected second amended complaint as a shotgun pleading.

A. Simpson’s Jurisdictional Arguments

Simpson argues that the district court erred in failing to address whether it had subject-matter jurisdiction before dismissing her case on the merits and that its failure to do so renders the dismissal void. She also argues that the district court lacked personal jurisdiction over “numerous defendants” who never had counsel file notices of appearance and that the district court should have entered default judgments against the defendants who never appeared.

District courts have jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Federal question jurisdiction is governed by the “well-pleaded complaint rule.” *Schleider v. GVDE Operations, LLC*, 121 F.4th 149, 155-56 (11th Cir. 2024) (quotation marks omitted). “[A] federal question is presented when the complaint—on its face—invokes federal law as the basis for relief.” *Id.* (quotation marks omitted).

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A district court may exercise jurisdiction over a complaint that alleges a violation of section 1983 even if the court determines that the complaint is an impermissible shotgun pleading. *See Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1318 n.3 (11th Cir. 2015) (noting that it was “clear” that the district court had federal question jurisdiction over a complaint partially dismissed as a shotgun pleading because it included a claim under section 1983). Personal jurisdiction can be waived by a defendant who fails to raise the issue in his or her responsive pleading or in a motion to dismiss. *Palmer v. Braun*, 376 F.3d 1254, 1259 (11th Cir. 2004).

Simpson’s jurisdictional arguments are meritless. The dismissal of a complaint as a shotgun pleading is a non-merits determination. *See Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1295 (11th Cir. 2018) (holding that the dismissal of a complaint on shotgun pleading grounds is a non-merits determination). The district court was not required to address subject-matter jurisdiction before dismissing Simpson’s complaint. Moreover, Simpson’s complaint alleged constitutional violations under section 1983. *See Schleider*, 121 F.4th at 155-56; *Weiland*, 792 F.3d at 1318 n.3. And Simpson, as plaintiff, may not complain that the district court lacked personal jurisdiction over the defendants. *See Palmer*, 376 F.3d at 1259; *Hawes v. Gleicher*, 745 F.3d 1337, 1342 (11th Cir. 2014) (holding that a party lacks standing to “appeal to protect the rights of others”).

B. Simpson May Not Appeal the Magistrate Judge's Rulings on Her Non-Dispositive Orders

Next, Simpson argues that the magistrate judge erred in ruling on various motions without her consent. But Simpson waived her right to appeal the magistrate judge's orders by failing to object to them in the district court. *See Smith v. Sch. Bd. Of Orange Cnty.*, 487 F.3d 1361, 1365 (11th Cir. 2007) (holding that, where a *pro se* litigant has failed to timely object to a magistrate judge's non-dispositive order in the district court, that litigant has waived her right to appellate review of the order); *see also* Fed. R. Civ. P. 72(a). And Simpson's motion for reconsideration, filed under Rules 59 and 60 instead of Rule 72, did not properly preserve this issue for appellate review. *See O'Neal v. Am. Shaman Franchise Sys., Inc.*, 166 F.4th 1274, 1282-83 (11th Cir. 2026).

C. The District Court Did Not Abuse its Discretion in Dismissing Simpson's Corrected Second Amended Complaint as a Shotgun Pleading

Simpson argues that the district court erred in ruling that her corrected second amended complaint was a shotgun pleading. A shotgun pleading violates Federal Rules of Civil Procedure 8(a)(2) and 10(b). *Barmapov*, 986 F.3d at 1324. Rule 8(a)(2) "requires the complaint to provide 'a short and plain statement of the claim showing that the pleader is entitled to relief,'" and Rule 10(b) "requires a party to 'state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances.'" *Id.* (quoting Fed. R. Civ. P. 8(a)(2) & 10(b)). "Shotgun

pleadings ‘are flatly forbidden by the spirit, if not the letter, of these rules’ because they are ‘calculated to confuse the ‘enemy,’ and the court, so that theories for relief not provided by law and which can prejudice an opponent’s case, especially before the jury, can be masked.’” *Id.* (quoting *Weiland*, 792 F.3d at 1320). They “‘waste scarce judicial resources, inexorably broaden the scope of discovery, wreak havoc on appellate court dockets, and undermine the public’s respect for the courts.’” *Id.* (quoting *Vibe Micro*, 878 F.3d at 1295).

There are four types of shotgun pleadings. *Id.* The first “is ‘a complaint containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint.’” *Id.* at 1324-25 (quoting *Weiland*, 792 F.3d at 1321). The second “is a complaint that is ‘replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action.’” *Id.* at 1325 (quoting *Weiland*, 792 F.3d at 1322). “The third is a complaint that does not separate ‘each cause of action or claim for relief’ into a different count.” *Id.* (quoting *Weiland*, 792 F.3d at 1323). The fourth “is a complaint that ‘assert[s] multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against.’” *Id.* (quoting *Weiland*, 792 F.3d at 1323).

A district court may dismiss a shotgun pleading under its “inherent authority to control its docket and ensure the prompt resolution of lawsuits.” *Vibe Micro*, 878 F.3d at 1295 (quotation marks omitted). Before doing so, it should provide the plaintiff an opportunity to amend her complaint and, in doing so, “point out the defects in the complaint.” *Jackson v. Bank of Am., N.A.*, 898 F.3d 1348, 1357-59 (11th Cir. 2018). If the plaintiff files an amended complaint without addressing the deficiencies identified in the original complaint, dismissal with prejudice is warranted. *Id.* at 1358-59.

The district court did not abuse its discretion in dismissing Simpson’s corrected second amended complaint as a shotgun pleading because it was replete with conclusory and vague statements, brought multiple claims against multiple defendants without delineating which defendant was responsible for which act or omission, and failed to separate each cause of action. *See Barmapov*, 986 F.3d at 1324-25. Simpson was given opportunities to amend her complaint to comply with the federal rules, so dismissal with prejudice was appropriate. *See Jackson*, 898 F.3d at 1357-59.

IV. CONCLUSION

We **AFFIRM** the dismissal of Simpson’s corrected second amended complaint with prejudice.