

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13186
Non-Argument Calendar

JAMES THOMAS CARLAN,

Plaintiff-Appellant,

versus

JUDGE JASON ASHFORD,

Defendant,

OFFICER TRAVIS EMMERT,

JOHN AND OR JANE DOES,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 5:25-cv-00053-CAR

Before JORDAN, KIDD, and WILSON, Circuit Judges.

PER CURIAM:

Plaintiff-Appellant James Thomas Carlan, appearing pro se, appeals the district court's dismissal of his complaint with prejudice in part and without prejudice in part. Carlan sued Georgia judicial and law enforcement officers under Article III, Section 2 and Article I, Section 9 of the U.S. Constitution; the First, Fourth, Fifth, Sixth, Eighth, and Ninth Amendments to the Constitution; 42 U.S.C. §§ 1983, 1985, and 1986; Georgia's Open Records Act, O.C.G.A. § 50-18-70; and several criminal statutes under both federal and Georgia state law. Carlan moved to proceed in forma pauperis, which the court granted. But the court explained that it was required to screen Carlan's complaint under 28 U.S.C. § 1915(e), which permits the court to dismiss the complaint for various reasons.¹ Under that review, the court found that many of Carlan's claims were frivolous and dismissed those claims with prejudice.

Carlan argues that he was unconstitutionally denied his right to record his own court hearings, that his eight-day imprisonment without food or water constituted cruel and unusual punishment, and that the district court improperly ignored his submitted evidence and misused Federal Rule of Civil Procedure 12(b)(6). He also argues in his reply that the district court erred in denying his

¹ When a plaintiff proceeds in forma pauperis, "the court shall dismiss the case at any time if the court determines that . . . the action or appeal--(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

motions for reconsideration under Federal Rules of Civil Procedure 59(e) and 60(b). After careful review, we affirm.

While we hold pro se pleadings to a less stringent standard than counseled pleadings and liberally construe them, *Bilal v. Geo Care, LLC*, 981 F.3d 903, 911 (11th Cir. 2020), Carlan, as a pro se litigant, is still required to properly brief the issues by “plainly and prominently” raise them, “for instance by devoting a discrete section of his argument” to them, *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014) (quotation marks omitted). And pro se parties still must comply with the procedural rules governing pleadings. *McNeil v. United States*, 508 U.S. 106, 113 (1993). Here, Carlan abandoned any challenge to the district court’s order dismissing his frivolous and barred claims with prejudice by failing to brief the issues.²

² Even if Carlan did not abandon his challenges, the district court did not err in dismissing his claims with prejudice. The court did not abuse its discretion by dismissing Carlan’s claims against Judge Ashford because they were barred by res judicata and absolute judicial immunity. The court had previously dismissed with prejudice Carlan’s claims against Judge Ashford stemming from the same alleged conduct, and Judge Ashford had absolute immunity for those claims because they all arose out of a normal judicial function of adjudicating Carlan’s state court proceedings. “Judges are entitled to absolute judicial immunity from damages for those acts taken while they are acting in their judicial capacity unless they acted in the clear absence of all jurisdiction.” *Sibley v. Lando*, 437 F.3d 1067, 1070 (11th Cir. 2005) (per curiam) (quotation marks omitted). And res judicata bars subsequent complaints of claims dismissed with prejudice pursuant to 28 U.S.C. § 1915. *Hughes v. Lott*, 350 F.3d 1157, 1162 (11th Cir. 2003).

We review for abuse of discretion the dismissal of an action for failure to comply with the rules of the court. *Zocaras v. Castro*, 465 F.3d 479, 483 (11th Cir. 2006). We also review for abuse of discretion a district court’s sua sponte dismissal of a pro se litigant’s complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). *Bilal v. Driver*, 251 F.3d 1346, 1348–49 (11th Cir. 2001).

A district court may dismiss a case sua sponte for failure to comply with its orders under Rule 41(b) or under its inherent power to manage its docket. See *Betty K. Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Generally, it is not an abuse of discretion to dismiss a case without prejudice where a litigant has been forewarned that failure to comply with the court’s orders will result in dismissal. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989).

We review denial of a Rule 59(e) or 60(b) motion for reconsideration for abuse of discretion. *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007) (per curiam). A party may not “use a Rule 59(e) motion to relitigate old matters, raise argument[s] or present

Further, the court did not err dismissing Carlan’s claims under the U.S. criminal code and the Georgia criminal code because those claims created no private causes of action and established no enforceable rights. Carlan’s claims as to whether Rule 12(b)(6) can “supersede constitutional rights guaranteed by” various constitutional amendments were also properly dismissed as frivolous because they had no chance of success. See 28 U.S.C. § 1915(e)(2)(B). Thus, the court did not err in its dismissal.

25-13186

Opinion of the Court

5

evidence that could have been raised prior to the entry of judgment.” *Michael Linet, Inc. v. Vill. of Wellington*, 408 F.3d 757, 763 (11th Cir. 2005).

Here, the district court did not err in dismissing the remainder of Carlan’s complaint without prejudice because he failed to follow its order to file an amended complaint within a court-provided time frame. The court also did not err in denying Carlan’s motions for reconsideration under Rules 59(e) and 60(b) because he merely attempted to relitigate his dismissed claims and failed to allege any of the limited circumstances that would afford him relief.

AFFIRMED.