

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13239
Non-Argument Calendar

RAMON RUIZ,

Plaintiff-Appellant,

versus

CITY OF MIAMI BEACH,

OFFICER F. BOLANOS,

Badge number 1125,

OFFICER B. VICENS,

Court ID 002-02172,

OFFICER B. BELTRAN,

Court ID 002-01090,

MIAMI-DADE COUNTY, et al.,

Defendants-Appellees,

MIAMI-DADE POLICE DEPARTMENT,

Defendant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:25-cv-22822-KMW

Before LUCK, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

Ramon Ruiz sued various government entities and officials involved in his arrest and prosecution. The district court, concluding that Ruiz’s first amended complaint was a shotgun pleading and any further amendment would be futile, dismissed his lawsuit with prejudice. The district court also placed Ruiz on the restricted-filer list because, despite repeated warnings, he continued to file frivolous emergency motions. Ruiz appeals both orders. After careful review, we affirm the dismissal order, but we dismiss his appeal of the restricted-filer order because we lack jurisdiction to consider it.

FACTUAL BACKGROUND

Around 2:00 a.m., Ruiz was at a public beach in Miami Beach, Florida. The city closes its beaches from 10:00 p.m. to 5:00 a.m. *See* City of Miami Beach, Fla., Code § 82-2 (2023). When police officers observed Ruiz on the beach after it had closed, they arrested him and searched him incident to the arrest. Ruiz believed that his arrest was a result of the city’s “official policy, custom, or practice of authorizing arrests for municipal ordinance violations.”

At his bond hearing, Ruiz objected to the state court’s jurisdiction and to the constitutionality of his arrest. Court officials—

25-13239

Opinion of the Court

3

judges, clerks, and corrections officers—“became aware” that Ruiz would continue to advance those challenges. So, according to Ruiz, the court officials “made a strategic decision” to assign alternate judges to avoid resolving the challenges so that Ruiz would be “force[d]” to plead guilty. While the case was pending, one of the alternate judges issued a bench warrant for Ruiz’s arrest.

PROCEDURAL HISTORY

Ruiz sued the city, the arresting officers, Miami-Dade County, various judges and court staff, and fictitiously-pleaded correctional staff. He then amended his complaint one time as of right. *See* Fed. R. Civ. P. 15(a)(1).

The first amended complaint asserted several claims. Relevant here, Ruiz claimed that his arrest and the search incident to the arrest were unlawful; the city was liable under *Monell*¹ for an unconstitutional official policy of arresting individuals for civil infractions of the municipal code; and the ongoing enforcement of the bench warrant “issued without lawful authority” and stemming “from a municipal ordinance infraction” violated the Fourth Amendment.² Each count realleged and incorporated nearly all preceding paragraphs.

¹ *Monell v. Dep’t of Soc. Servs. of New York*, 436 U.S. 658 (1978).

² Ruiz brought other claims related to his prosecution. But because he doesn’t address them in his brief, he has forfeited them on appeal. *See Walter Int’l Prods., Inc. v. Salinas*, 650 F.3d 1402, 1413 n.7 (11th Cir. 2011); *see also Timson v.*

Before the district court had a chance to review the first amended complaint, Ruiz moved to amend a second time. The proposed second amended complaint added standing allegations, restructured the claims, and included some more facts. Like the first amended complaint, each count in the proposed second amended complaint realleged and incorporated nearly all preceding factual allegations.

The magistrate judge screened the first amended complaint under 28 U.S.C. section 1915. It found that the first amended complaint was a shotgun pleading because “[e]very count . . . incorporate[d] all or nearly all preceding paragraphs, including factual allegations and prior legal claims.” The magistrate judge recommended dismissing the first amended complaint as a shotgun pleading and denying leave to amend because any amendment would have been futile.

Ruiz objected. First, he argued that the magistrate judge’s recommendation that he be denied leave to amend was wrong because the magistrate judge “fail[ed] to make any findings regarding futility, undue delay, bad faith, or prejudice.” Second, he objected to the recommended dismissal because the magistrate judge “fail[ed] to identify any specific defects in the pleading.”

The district court adopted the magistrate judge’s recommendation and dismissed the complaint with prejudice. The court

Sampson, 518 F.3d 870, 874 (11th Cir. 2008) (applying the same rule to a pro se plaintiff).

25-13239

Opinion of the Court

5

agreed that the first amended complaint was a shotgun pleading and leave to amend should be denied because “the [proposed second] amended complaint fail[ed] to state a claim, and any further amendment would be futile.”

Ruiz appealed. The next day, the district court placed Ruiz on its restricted-filer database because he continued to file frivolous emergency motions. This meant that the clerk wouldn’t “accept any further pro se pleadings in th[e] case.”

Months later, Ruiz filed a supplemental notice of appeal from the order placing him on the restricted-filer list. We docketed a new appeal. *See Ruiz v. City of Miami*, No. 26-11503 (11th Cir. Apr. 30, 2026). But Ruiz voluntarily dismissed the new appeal because, he believed, the restricted-filer order “[was] already encompassed within this appeal.”

STANDARD OF REVIEW

We review de novo any jurisdictional issues. *Wood v. Raffensperger*, 981 F.3d 1307, 1313 (11th Cir. 2020). We review the denial of a motion for leave to amend for abuse of discretion, *Great Bowery Inc. v. Consequence Sound LLC*, 174 F.4th 1336, 1341 (11th Cir. 2026), but we review de novo “the underlying legal conclusion of whether a particular amendment to the complaint would be futile,” *Chang v. JPMorgan Chase Bank, N.A.*, 845 F.3d 1087, 1093–94 (11th Cir. 2017). And “[w]e review a dismissal on . . . shotgun pleading grounds for an abuse of discretion.” *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1294 (11th Cir. 2018).

DISCUSSION

This appeal raises two issues. First, whether the district court abused its discretion in dismissing the first amended complaint and denying leave to amend. And second, whether we have jurisdiction to consider Ruiz’s challenge to the restricted-filer order. We discuss each in turn.

The Order Dismissing the Complaint and Denying Leave to Amend

Ruiz first challenges the district court’s dismissal order. He argues that the district court abused its discretion by dismissing his first amended complaint as a shotgun pleading and denying him leave to amend. We see no error. The first amended complaint was a shotgun pleading and any further amendment would have been futile because Ruiz couldn’t state a claim.

Federal Rule of Civil Procedure 8 requires a plaintiff to present “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Shotgun pleadings violate that rule by “failing to one degree or another to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.” *Vibe Micro, Inc.*, 878 F.3d at 1294–95 (alterations adopted) (quoting *Weiland v. Palm Beach Cnty. Sheriff’s Off.*, 792 F.3d 1313, 1323 (11th Cir. 2015)).

There are four kinds of shotgun pleadings: (1) a pleading that contains multiple counts and each count “adopts the allegations of all preceding counts, causing each successive count to carry

all that came before”; (2) a pleading that is “replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action”; (3) a pleading that doesn’t separate each cause of action into a different count; and (4) a pleading that asserts “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.” *Weiland*, 792 F.3d at 1321–23.

The general rule is that the district court must inform a pro se plaintiff of his complaint’s deficiencies before dismissing with prejudice. *See Woldeab v. DeKalb Cnty. Bd. of Educ.*, 885 F.3d 1289, 1291–92 (11th Cir. 2018) (stating that the district court should have “advised [the pro se plaintiff] of his complaint’s deficiency and given him the opportunity to amend . . . before the court dismissed with prejudice”); *see also Vibe Micro, Inc.*, 878 F.3d at 1296 (stating, in counseled context, that “district court must sua sponte give [a litigant] one chance to replead before dismissing his case with prejudice on non-merits shotgun pleading grounds”). But there’s an exception to the general rule when any amendment would be futile. *Woldeab*, 885 F.3d at 1291. Where “a more carefully drafted complaint could not state a claim,” *Silberman v. Miami Dade Transit*, 927 F.3d 1123, 1133 (11th Cir. 2019), there’s no need to give the pro se plaintiff an opportunity to amend, *id.*; *Woldeab*, 885 F.3d at 1291.

This case falls within the exception. The district court found that Ruiz’s first amended complaint was a shotgun pleading because it “incorporat[ed] all prior allegations into each successive count and obscur[ed] the basis for individual claims.” This finding wasn’t an abuse of discretion. Each count did, in fact, reallege and incorporate nearly all preceding factual allegations and legal conclusions. For example, Ruiz’s unlawful-arrest claim incorporated all of the allegations from his prosecution-related claims. And visa-versa—the prosecution-related claims incorporated all of the allegations from his unlawful-arrest claim. This wholesale incorporation is exactly like the first kind of shotgun pleading prohibited by rule 8. *See Weiland*, 792 F.3d at 1321.

Normally, Ruiz would have had an opportunity to amend so he could fix the shotgun-pleading problem. But the district court also found that any further amendment would be futile.³ The court was right that Ruiz couldn’t state a false arrest claim.⁴

³ Ruiz argues that the district court’s futility analysis was too conclusory. But the court clearly articulated its reasoning—it found that the proposed second amended complaint failed to state a claim and no further amendment could fix the issue. No more was needed.

⁴ The three other claims Ruiz appeals—illegal search incident to arrest, illegal bench warrant based on an improper arrest, and *Monell* liability—are derivative of the false arrest claim. *See Scott v. City of Miami*, 139 F.4th 1267, 1278 (11th Cir. 2025) (“Having determined that the seizure was constitutional, as the Supreme Court has long held, the officers were permitted to search [the plaintiff] incident to a lawful arrest.”); *Baxter v. Santiago-Miranda*, 121 F.4th 873, 892 (11th Cir. 2024) (plaintiff’s *Monell* claim failed because he couldn’t

“To succeed on a false-arrest claim,” Ruiz plausibly had to allege “(1) a lack of probable cause and (2) an arrest.” *Brooks v. Miller*, 78 F.4th 1267, 1281 (11th Cir. 2023). But he couldn’t do that because the city police officers had probable cause to arrest him. Ruiz admits that he was on the public beach after it closed, which violated the city’s municipal code. And he admits that the police officers “observed” him on the public beach after hours. “When an officer lawfully arrests an individual for the commission of a crime, no matter how minor the offense, the officer is entitled under controlling Supreme Court precedent to effectuate a full custodial arrest.” *Lee v. Ferraro*, 284 F.3d 1188, 1196 (11th Cir. 2002).

Ruiz doesn’t dispute any of this. Instead, he makes a legal argument that his arrest was unlawful—and he stated a false arrest claim—because Florida “classifies” a municipal-code violation “as a civil infraction,” and not a criminal one. But Ruiz is mistaken. Under Florida law, a city may “designate the enforcement methods and penalties” for “the violation of ordinances adopted by the municipality,” including “arrest for violation of municipal ordinances.” Fla. Stat. § 162.22. Miami Beach has done this by designating that violators of its municipal code may be punished by “imprisonment for a term not exceeding [sixty] days.” City of Miami Beach, Fla., Code § 1-14 (2023). Imprisonment, it goes without saying, is a criminal—and not a civil—sanction. *Lee*, 284 F.3d at 1196

plead any constitutional violation). If Ruiz cannot state a false arrest claim, the three other derivative claims necessarily fail.

(the “prospect of incarceration plainly makes violating the . . . ordinance a crime”).

Because Ruiz doesn’t contest that the police officers saw him violating the law, and his premise about city code violations is mistaken, the district court correctly concluded that any amendment to state a false-arrest claim would be futile. It would have been futile because Ruiz cannot show a lack of probable cause. We therefore affirm the dismissal with prejudice.

Restricted-Filer Order

Ruiz also challenges the order placing him on the restricted-filer list. But we lack jurisdiction to review the restricted-filer order.

Ruiz filed his notice appealing the dismissal of his complaint on September 17, 2025. His notice was effective to appeal the dismissal and all “prior non-final orders and rulings that produced the judgment.” *See Kong v. Allied Pro. Ins. Co.*, 750 F.3d 1295, 1301 (11th Cir. 2014); *see also* Fed. R. App. P. 3(c)(4) (stating that the notice of appeal “encompasses all orders that, for purposes of appeal, merge into the designated judgment or appealable order”).

But the September 17, 2025, notice wasn’t effective to appeal any postjudgment orders that were entered after the appeal. For any postjudgment orders, Ruiz had to “file a separate notice of appeal or amend [his] original notice.” *See Weatherly v. Ala. State Univ.*, 728 F.3d 1263, 1271 (11th Cir. 2013); *Green v. Union Foundry Co.*, 281 F.3d 1229, 1233 (11th Cir. 2002). And, critically, the

25-13239

Opinion of the Court

11

amended or new notice must be filed within thirty days of the postjudgment order to be timely. Otherwise, we cannot review the postjudgment order. *See* Fed. R. App. P. 4(a)(1)(A); *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

Here, the district court entered the restricted-filer order after the dismissal with prejudice and after Ruiz's September 17, 2025, notice of appeal. So, the restricted-filer order didn't merge into this appeal of the dismissal order. That means Ruiz had to file a timely amended or new notice of appeal of the restricted-filer order to invoke our jurisdiction.

Unfortunately, he didn't. The restricted-filer order was entered on September 18, 2025. And Ruiz didn't file his supplemental notice of appeal until April 29, 2026. That was six months more than thirty days. Because there was no timely notice of appeal as to the restricted-filer order, we don't have jurisdiction to review it. *See Bogle v. Orange Cnty. Bd. of Cnty. Comm'rs*, 162 F.3d 653, 662 (11th Cir. 1998) ("We also conclude that [the appellant's] notice of appeal, filed before the entry of the [sanctions order], was insufficient to designate the order for consideration on appeal and, therefore, hold that we do not have jurisdiction to review the sanctions.").

AFFIRMED IN PART AND DISMISSED IN PART.