

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13258
Non-Argument Calendar

MICHAEL BALUJA,

Plaintiff-Appellant,

versus

CITY OF CORAL GABLES,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:24-cv-23470-JEM

Before JILL PRYOR, BRANCH, and ANDERSON, Circuit Judges.

PER CURIAM:

Michael Baluja appeals the dismissal of his suit against his employer, the City of Coral Gables (“the City”), brought under the Uniformed Services Employment and Reemployment Rights Act

of 1994 (“USERRA”), 38 U.S.C. § 4301(a) et seq. On appeal, Baluja argues that the district court erred when it dismissed his lawsuit because it found that he lacked standing. Additionally, Baluja asks us to hold that his complaint stated a claim.

We write only for the parties who are already familiar with the facts. Therefore, we include only so many of the facts as is appropriate to understand our opinion.

I. FACTS

Baluja is an officer in the Coral Gables Police Department and has worked in that capacity for over twenty years. He also serves in the United States National Guard and has been on eight overseas deployments. In his complaint,¹ Baluja alleged that he had been removed from both the Marine Patrol and SWAT teams, harassed for deploying, subjected to illegal requirements for taking the deployments, and improperly placed on administrative leave for a month. He alleged that all of these things had resulted in his being denied the same pension benefits, pay, and seniority he would have had had the City not discriminated against him.

¹ Baluja’s initial complaint also sought relief under the Servicemembers Civil Relief Act, 50 U.S.C. § 4092, and the Florida Uniformed Servicemembers Protection Act, Fla. § 250.80, et seq. The district court dismissed those claims in its first order and Baluja did not renew them in his amended complaint. The only claim remaining on appeal is Baluja’s claim that the City discriminated against him in violation of USERRA.

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After Baluja filed his complaint, the City moved for dismissal for, among other reasons, lack of standing. Baluja's initial complaint had recounted that the City had provided him in 2021 with backpay, pay corrections, and corrections with respect to his leave. The district court granted the motion, reasoning that the complaint did not make clear which of his alleged injuries have or have not been addressed by the City. Baluja then filed an amended complaint that omitted several causes of action and the information that the City had provided him with backpay, pay corrections, and corrections with respect to his leave. The district court noted the omission and reasoned that Baluja was attempting to evade the standing issue. The district court once again dismissed the complaint for lack of standing, stating that Baluja had not clarified which actions have and have not been corrected by the City.

II. DISCUSSION

A. *Standing*

We have explained the requirements of standing recently:

To have Article III standing, a plaintiff must show (1) injury in fact, (2) causation, and (3) redressability. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61, 112 S. Ct. 2130, 119 L.Ed.2d 351 (1992). . . . [T]he party invoking federal jurisdiction bears the burden of establishing each of these elements. *See id.* at 561, 112 S. Ct. 2130. “[E]ach element must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, i.e., with the manner

and degree of evidence required at the successive stages of the litigation.” *Id.* (citations omitted).

At the pleading stage, general factual allegations of injury resulting from the defendant’s conduct may suffice to establish standing. *See id.*; *Moody* [*v. Holman*], 887 F.3d [1281] at 1286 [(11th Cir. 2018)]. That is because “we presume that general allegations embrace those specific facts that are necessary to support the claim.” *Lujan*, 504 U.S. at 561, 112 S. Ct. 2130.

Reeves v. Comm’r, Alabama Dep’t of Corr., 23 F.4th 1308, 1316–17 (11th Cir. 2022).

Injury in fact means “an invasion of a legally protected interest that is both (a) ‘concrete and particularized’ and (b) ‘actual or imminent, not conjectural or hypothetical.’” *Lewis v. Gov. of Alabama*, 944 F.3d 1287, 1296 (11th Cir. 2019) (quoting *Lujan*, 504 U.S. at 560). Causation is the “causal connection” between her injury and the challenged action of the defendant—i.e., the injury must be “fairly . . . trace[able]” to the defendant’s conduct, as opposed to the action of an absent third party.” *Id.* (quoting *Lujan*, 504 U.S. at 560).

With respect to the third prong of the standing analysis, we have stated that we ask if “a decision in a plaintiff’s favor would “significant[ly] increase . . . the likelihood” that she “would obtain relief that directly redresses the injury” that she claims to have suffered. *Harrell v. Fla. Bar*, 608 F.3d 1241, 1260 n.7 (11th Cir. 2010) (citation omitted). Also, “it must be the effect of the court’s judgment on the defendant”—not an absent third party—“that redresses the

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plaintiff's injury, whether directly or indirectly." *Lewis*, 944 F.3d at 1301(internal quotations and citations omitted).

The USERRA ensures that reservists like Baluja cannot be discriminated against because of their military service. The statute provides that a "member of . . . a uniformed service shall not be denied . . . any benefit of employment by an employer on the basis of that membership." 38 U.S.C. § 4311(a). "An employer shall be considered to have engaged in actions prohibited . . . if the person's membership . . . in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership . . ." *Id.* § 4311(c)(1).

Remedies under the statute consist of injunctive relief, re-payment of lost wages and benefits, interest, and liquidated damages. Specifically, § 4323(d)(1) states:

- (A) The court may require the employer to comply with the provisions of this chapter.
- (B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.
- (C) The court may require the employer to pay the person the amount referred to in subparagraph (B) and interest on such amount, calculated at a rate of 3 percent per year.
- (D) The court may require the employer to pay the person the greater of \$50,000 or the amount equal to

the amounts referred to in subparagraphs (B) and (C) as liquidated damages, if the court determines that the employer knowingly failed to comply with the provisions of this chapter.

Id. § 4323(d)(1). The statute also grants the district court the ability to use its equitable powers “to vindicate fully the rights or benefits of persons under this chapter.” *Id.* § 4323(e).

The focus of the district court was its perception that the operative complaint does not explain what remains (of the allegedly owed pay and benefits) after the City made corrective payments to Baluja. However, the operative complaint alleges that Baluja is also entitled to a number of other, different remedies. For example, he alleged, *inter alia*, that he is entitled under USERRA to re-employment in positions equivalent in seniority, status, and pay to what he occupied before (e.g. reassignment to the Marine Patrol Unit and the SWAT team). This injunctive relief, permitted under § 4323(d)(1)(A) and (e), could reasonably cover not just salary but also benefits of the job, such as other opportunities that go along with such positions (e.g. opportunities for advancement, overtime, off-duty details, pension benefits, etc.). These allegations are not affected in any way by the allegations from the initial complaint which the district court incorporated and relied on (i.e. City’s payment of backpay, pay corrections, and corrections with respect to his leave). At least, there are reasonable inferences to this effect. Moreover, Baluja pled willful discrimination, which would entitle him to liquidated damages. *Id.* § 4323(d)(1)(D).

In addition, we believe that the district court overlooked reasonable inferences from the operative complaint (even incorporating paragraphs 60-61 and 120-23 of the initial complaint that the

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district court relied on).² These reasonable inferences suggest that there remain (in addition to the reinstatement remedy itself) lost wages and benefits not yet corrected. For example, the operative complaint pleads that the failure of the City to reinstate Baluja to the Marine Patrol Unit and the SWAT team caused lost opportunities for advancement, overtime, and off-duty details. We conclude that there are reasonable inferences from the operative complaint that the corrections previously provided by the City—upon which the district court relied—would not have included wages and benefits from such lost opportunities.

We conclude that Baluja has alleged sufficient facts, the reasonable inferences from which establish standing for claims of discrimination in violation of USERRA. Accordingly, we VACATE the judgment of the district court and REMAND with directions for the district court to reexamine the standing issues and for other proceedings not inconsistent with this opinion.³

VACATED and REMANDED.

² Indeed, paragraph 61 incorporated from the initial complaint expressly alleges that the City's correction did not include the interest recoverable under USERRA. *Id.* § 4323 (d)(1)(C).

³ The district court dismissed Baluja's operative complaint on the basis of lack of standing. We too address only the standing issue; we decline to address in the first instance whether he stated a claim under USERRA.