NOT FOR PUBLICATION

In the

United States Court of Appeals

For the Eleventh Circuit

No. 25-13390
Non-Argument Calendar

FREDERICK SILVER,

Plaintiff-Appellant,

versus

NATIONAL CREDIT SYSTEMS, INC.,

Defendant- Appellee,

JOEL BRAY LACKEY,
individually and as an officer of the corporation,

Defendant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:24-cv-03238-SCJ-AWH

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

PER CURIAM:

Frederick Silver sued National Credit Systems, Inc. ("NCS") under the Fair Credit Reporting Act ("FCRA") and the Fair Debt Collection Practices Act ("FDCPA"). Over ten months after filing his complaint, Silver filed an emergency motion for preliminary injunction which the District Court quickly denied. Forty-two days after entry of that denial, Silver filed a renewed motion for preliminary injunction, containing the same facts and legal arguments as the first. The Court denied the second motion, and, within a week of that order, Silver filed a notice of appeal. Because Silver's second motion did not present any changed circumstances, new facts, or new law, it cannot reset the time to appeal the District Court's denial of his original motion. Thus, this appeal is untimely, and we dismiss.

I.

On July 22, 2024, Silver filed a complaint alleging that NCS violated the FCRA and the FDCPA. On June 10, 2025, Silver filed an emergency motion for a preliminary injunction, asking the Court to enjoin NCS from reporting an allegedly disputed debt. On June 13, 2025, the District Court denied Silver's motion because "'by sitting on [his] rights' . . . he 'ha[d] squandered any corresponding entitlement to injunctive relief.'"

On July 25, 2025, Silver renewed his motion for preliminary injunction. His renewed motion was substantively identical to his original motion, and it did not add any new facts or allegations. In his response to the Government's reply to his renewed motion for injunction, Silver argued that his renewed motion was based on a different factual record than his original because his alleged harms had escalated with the passage of time.

On September 16, 2025, the District Court denied Silver's renewed motion for preliminary injunction.[1] The Court's order restated the reason it denied his original motion—Silver could not establish irreparable harm because he waited too long to try to vindicate his rights. On September 23, 2025, Silver filed a notice of appeal as to the District Court's order denying his renewed motion for preliminary injunction.

On appeal, Silver argues that the District Court abused its discretion in denying his motion for preliminary injunction. NCS responds that Silver's appeal is untimely, that he lacks Article III standing, and that his claims are barred by the *Rooker-Feldman* doctrine. NCS also argues that this Court lacks appellate jurisdiction under 28 U.S.C. § 1292(a)(1), that Silver's injunction argument fails on the merits, and that the appeal is frivolous.

II.

We begin, and end, with jurisdiction. We have jurisdiction over appeals from interlocutory district court orders "granting,

[1] In its order denying Silver's renewed motion for preliminary injunction, the District Court also denied Silver's "Motion to Compel Defendant to Cease Credit Reporting Pending Litigation" because "despite its title" it also sought injunctive relief. Silver does not appeal the Court's ruling on that motion.

continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions." 28 U.S.C. § 1292(a)(1). In civil cases such as this one, litigants must file their notice of appeal within 30 days after entry of the order appealed from. Fed. R. App. P. 4(a)(1)(A).

Generally, "[i]f a party whose motion for an injunction . . . is denied fails to file an appeal within the prescribed time-frame, it may not file a successive motion requesting the same relief simply to revisit the initial injunction decision or resurrect an expired time for appeal." *Birmingham Fire Fighters Ass'n 117 v. Jefferson Cnty.*, 290 F.3d 1250, 1253 (11th Cir. 2002) (quotations omitted). Thus, we cannot consider an appeal from a successive motion when there is a "total absence of additional factual submissions to the record or even allegations of changed circumstances since the previous district court ruling." *Winfield v. St. Joe Paper Co.*, 663 F.2d 1031, 1032 (11th Cir. 1981).

We may, however, entertain an appeal from a successive motion "if there are changed circumstances, new evidence, or a change in the law." *Birmingham Fire Fighters*, 290 F.3d at 1254. This exception applies if the new circumstances, law, or facts are "important enough that the latest motion is a viable being in its own right instead of merely a re-packaging in new garb of the corpse of an old motion in an attempt to resurrect it." *Id.*

NCS argues that Silver's second motion for preliminary injunction was "substantively identical" to his first. Thus, the second motion does not revive or reset the time for appeal, meaning Silver had 30 days from the entry of the order denying his first motion for an injunction. Since Silver filed his notice of appeal more than 30 days after the entry of the District Court's order denying his first motion for preliminary injunction, his appeal is untimely.

Silver responds that his second motion was a "new motion" which "rais[ed] additional factual developments," making his appeal from the denial of that motion timely.

Upon review of Silver's two motions, we find that they are substantively identical in every relevant respect. The second motion does not allege any changed circumstances, new facts, or new law which, assuming the Court's disposition of the first motion was not an abuse of discretion, would render its denial of the second motion an abuse of discretion. *See Birmingham Fire Fighters*, 290 F.3d at 1254 ("Only if the appeal contends that changes over time mean the district court abused its discretion by failing to modify an order that was not an abuse of discretion when entered should the appeal be permitted."). Furthermore, the fact that Silver's alleged harm is worsening over time does not constitute a change in circumstance that would require the District Court to modify its original order. Indeed, the ongoing nature of the alleged harm was foreseeable when the District Court first denied the preliminary injunction, so the fact that the harm worsened as expected does not revive the motion.

III.

For the foregoing reasons, this appeal is **DISMISSED**.