

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOSEPH DEAN,

Plaintiff,

v.

Case No: 8:24-cv-2242-MSS-TGW

META PLATFORMS, INC.,

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of the Plaintiff's Motions to Proceed In Forma Pauperis (Dkts. 2, 11). On October 21, 2024, United States Magistrate Judge Thomas G. Wilson issued a Report and Recommendation, recommending that the Motion to Proceed In Forma Pauperis be denied as moot, finding that Plaintiff's Amended Complaint was a "shot-gun pleading," and instructing Plaintiff to file a Second Amended Complaint. (Dkt. 13). Plaintiff filed a Second Amended Complaint on October 25, 2024. (Dkt. 14). On November 20, 2025, Judge Wilson issued a second Report and Recommendation on the motions, recommending that Plaintiff's Motion to Proceed In Forma Pauperis be denied as moot, that Plaintiff's Second Amended Complaint be dismissed with prejudice, and that the case be closed. (Dkt. 16). Plaintiff filed an objection to the Report and Recommendation, contending that his Complaint was well pleaded, cognizable, and adequately supported by his attached exhibits. (Dkt. 18).

After conducting a careful and complete review of the findings and recommendations a district judge may accept, reject, or modify the Magistrate Judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of Judge Wilson’s Report and Recommendation (Dkts. 13, 16), in conjunction with an independent examination of the file, the Court is of the opinion that Plaintiff’s objection should be **SUSTAINED**, and thus, the Court respectfully declines to adopt the Report and Recommendation.

To file a well pleaded complaint under Rule 8(a)(2), F.R.Civ. P., a plaintiff’s complaint must contain a short and plain statement on the grounds for which the

plaintiff is entitled to relief. See McNeil v. United States, 508 U.S. 106, 113 (1993). When the litigants are pro se the Court is counseled to apply this rule with a “less stringent standard.” See Campbell v. Air Jamaica Ltd., 760 F.3d 1165, 1668 (11th Cir. 2014). The Report and Recommendation concludes that Plaintiff failed to state a claim on which relief may be granted, and instead presented the Court with a “quintessential shotgun pleading.” (Dkt. 16). This Court disagrees.

Plaintiff’s Complaint does not constitute a “shotgun” pleading. The Eleventh Circuit defines a “shotgun pleading” as a pleading that “make[s] it ‘virtually impossible to know which allegations of fact are intended to support which claim(s) for relief.’” Anderson v. Dist. Bd. of Trs. of Cent. Fla. Cmty. College, 77 F.3d 364, 366 (11th Cir. 1996). Plaintiff’s Second Amended Complaint clearly identifies two causes of action against the Defendant, details the Defendant’s actions that give rise to the allegations, and supports each assertion with case law. (Dkt. 14). Plaintiff’s Complaint also provides detailed headings for Defendant to follow and pleads sufficient facts permitting the Defendant to file an answer. Id. Moreover, unlike many pro se litigants, Plaintiff was careful not to incorporate the Counts within the other Count. While it remains to be seen whether Plaintiff’s claims have merit, the Court cannot find that the Complaint is a shotgun pleading.

Additionally, on *de novo* review of Plaintiff’s financial status, including a review of his long form affidavit (Dkt. 11), which was not addressed in the Report and Recommendation, the Court finds that Plaintiff has demonstrated sufficient evidence

of indigency. For this reason, this Court concludes that Plaintiff should be allowed to proceed In Forma Pauperis.

Accordingly, it is **ORDERED** as follows:

1. Plaintiff's Objection, (Dkt. 17), to the November Report and Recommendation, (Dkt. 16), is **SUSTAINED**, and Plaintiff's Motion to Proceed In Forma Pauperis (Dkt. 2) is **GRANTED**.
2. Plaintiff's Motion to Amend the Report and Recommendation (Dkt. 18) is **DENIED** as **MOOT**.
3. Plaintiff is Instructed to complete and return the "Summons in a Civil Action"¹ and USM-285² forms to the Clerk's Office by March 17, 2025, at which point the United States Marshal Service is **DIRECTED** to serve the summons and second amended complaint (Dkt. 14) on the appropriate parties.
4. The **Clerk** is **DIRECTED** to **TERMINATE** the Report and Recommendation as to Plaintiff's Complaint (Dkt. 13). This Report and Recommendation is **MOOT** in light of Plaintiff's Amended Complaint (Dkt. 14).

DONE and **ORDERED** in Tampa, Florida, this 25th day of February 2025.

¹ Summons in a Civil Action, <http://www.uscourts.gov/forms/notice-lawsuitsummons-subpoena/summons-civil-action>.

² Service of Process, <https://www.usmarshals.gov/resources/publications/forms>. If Mr. Bright has no internet access, he may obtain the form by contacting the Clerk's Office at 813-301-5400.

Copies furnished to:
Counsel of Record
Any Unrepresented Person



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE