

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80015-CIV-CANNON

JOHN ANTHONY CASTRO,

Plaintiff,

v.

DONALD J. TRUMP,

Defendant.

ORDER DISMISSING COMPLAINT AND PERMITTING REPLEADING

THIS CAUSE comes before the Court upon a sua sponte review of the record. On January 6, 2023, Plaintiff a Complaint purporting to bring two claims against Defendant [ECF No. 1]. Each count in the Complaint, however, incorporates all preceding allegations [*see* ECF No. 1 ¶ 58]. Complaints that follow this approach constitute impermissible “shotgun pleadings,” *see Weiland v. Palm Beach Cnty. Sheriff’s Off.*, 792 F.3d 1313, 1321 (11th Cir. 2015), and the Court has an independent obligation to dismiss such pleadings and require repleader, *see Ain Jeem, Inc. v. Individuals, Partnerships, & Unincorporated Associations Identified on Schedule A*, No. 8:21-CV-1331-VMC-AEP, 2021 WL 2941735, at *1 (M.D. Fla. July 13, 2021) (citing cases).

Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.
2. Plaintiff may file an amended pleading that is consistent with this Order on or before **January 23, 2023**. **The amended pleading must not contain any successive counts that incorporate all prior allegations.** In other words, Counts I and II may

CASE NO. 23-80015-CIV-CANNON

incorporate the same factual allegations (paragraphs 1 through 55), but Count II must not broadly incorporate the allegations of previous counts. Further, each count must identify the particular legal basis for liability and contain specific factual allegations that support each cause of action within each count.

3. **Failure to comply with this Order may result in dismissal of the case without further notice.**

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 9th day of January 2023.

A handwritten signature in black ink, appearing to read 'Aileen Cannon', written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record