

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Ahmed Shaikh v. Fox News Network, LLC, Paramount Global,
Warner Bros. Discovery, Inc., NBCUniversal Media, LLC, The Walt
Disney Company

Shaikh · No. 25-12004 · Decided June 4, 2026

SUMMARY

The Eleventh Circuit affirmed the dismissal for lack of subject-matter jurisdiction of Ahmed Shaikh’s pro se complaint against several media companies. The court held that the federal claims were wholly insubstantial and frivolous because the allegations had no plausible foundation, and it treated Shaikh’s diversity-jurisdiction argument as abandoned. The court also rejected challenges concerning the treatment of his filings and pending motions.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	Per curiam; Newsom; Brasher; Tjoflat
JURISDICTION	United States Court of Appeals for the Eleventh Circuit
DECIDED	June 4, 2026
DOCKET	25-12004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Shaikh appealed the district court's dismissal of his complaint for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1).
STANDARD OF REVIEW	The Eleventh Circuit reviews a district court's dismissal for lack of subject matter jurisdiction de novo.
PRECEDENTIAL VALUE	Published and designated for publication
PARTIES	Ahmed Shaikh v. Fox News Network, LLC, Paramount Global, Warner Bros. Discovery, Inc., NBCUniversal Media, LLC, The Walt Disney Company

TOPICS

- subject matter jurisdiction
- motions to dismiss
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court properly dismissed Shaikh's federal claims for lack of subject matter jurisdiction because they were wholly insubstantial and frivolous.
2. Whether the district court improperly treated a factual attack on subject matter jurisdiction as a merits challenge.
3. Whether Shaikh abandoned his argument that diversity jurisdiction supplied an independent basis for federal jurisdiction.
4. Whether the district court was required to consider Shaikh's forensic report and agency-relationship documents when ruling on the motions to dismiss.

HOLDINGS

1. A federal court may dismiss for lack of subject matter jurisdiction when a claim under the Constitution or federal statutes is wholly insubstantial and frivolous, meaning that it has no plausible foundation. Shaikh's allegations were wholly insubstantial and frivolous, so the district court properly dismissed the complaint for lack of federal-question jurisdiction.
2. Shaikh abandoned his argument that diversity jurisdiction supplied an independent basis for jurisdiction by failing to develop that issue on appeal.
3. Shaikh did not show that the district court was required to consider his forensic report and agency-relationship documents in ruling on the motions to dismiss.
4. Once the court determined that it lacked subject matter jurisdiction, it was powerless to continue and therefore did not err by failing to address the merits of the ECPA claim or by denying Shaikh's Rule 11 motion without extended analysis.

KEY QUOTATIONS

"Claims are "wholly insubstantial and frivolous" where they have "no plausible foundation."" (at 6)

"They had no plausible foundation and were clearly frivolous." (at 7)

"For "once a federal court determines that it is without subject matter jurisdiction, the court is powerless to continue."" (at 8)

FACTUAL BACKGROUND

Shaikh alleged that professors and others hacked his devices, installed hidden cameras with audio capability in his apartment and car, and provided remote access to various businesses and individuals. He alleged that the defendant media companies accessed those devices and cameras and used government-provided artificial-intelligence mind-reading technology to read his thoughts. He relied on perceived similarities between his

private statements, searches, memories, conduct, and thoughts and content, guests, sponsors, clothing, and reactions appearing in the defendants' entertainment programs.

PROCEDURAL HISTORY

Shaikh, proceeding pro se, sued five media companies alleging violations of the federal Electronic Communications Privacy Act, Florida's Security of Communications Act, and Florida tort claims. The defendants moved to dismiss, arguing that the claims were wholly insubstantial and frivolous and that the complaint failed to state a plausible claim. The magistrate judge recommended dismissal for lack of subject matter jurisdiction, the district court adopted the recommendation, terminated the pending motions, and closed the case. The Eleventh Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Pillow v. Bechtel Construction, Inc., 201 F.3d 1348, 1351 (11th Cir. 2000)
- Patel v. Hamilton Medical Center, Inc., 967 F.3d 1190, 1193 (11th Cir. 2020)
- Lawrence v. Dunbar, 919 F.2d 1525, 1529 (11th Cir. 1990)
- Morrison v. Amway Corp., 323 F.3d 920, 924 n.5 (11th Cir. 2003)
- Bell v. Hood, 327 U.S. 678, 679, 682-83, 66 S. Ct. 773, 774, 776 (1946)
- Blue Cross & Blue Shield of Alabama v. Sanders, 138 F.3d 1347, 1350, 1352 (11th Cir. 1998)
- United States v. Jernigan, 341 F.3d 1273, 1283 n.8 (11th Cir. 2003)
- Johnson v. City of Atlanta, 107 F.4th 1292, 1300 (11th Cir. 2024)
- University of South Alabama v. American Tobacco Co., 168 F.3d 405, 410 (11th Cir. 1999)

OPINION

Ahmed Shaikh v. Fox News Network, LLC

PER CURIAM.

USCA11 Case: 25-12004 Document: 71-1 Date Filed: 06/04/2026 Page: 1 of 8

FOR PUBLICATION

In the United States Court of Appeals For the Eleventh Circuit _____ No. 25-12004 Non-Argument Calendar _____

AHMED SHAIKH,

Plaintiff-Appellant, versus

FOX NEWS NETWORK, LLC,

PARAMOUNT GLOBAL,

WARNER BROS. DISCOVERY, INC.,

NBCUNIVERSAL MEDIA, LLC,

THE WALT DISNEY COMPANY,

Defendants-Appellees. _____ Appeal from the United States District Court for the Middle District of Florida D.C. Docket No. 6:24-cv-01894-WWB-RMN _____ Before NEWSOM, BRASHER, and TJOFLAT, Circuit Judges. USCA11 Case: 25-12004 Document: 71-1 Date Filed: 06/04/2026 Page: 2 of 8 2 Opinion of the Court 25-12004 PER CURIAM: Ahmed Shaikh, proceeding pro se, sued five media companies for violating the federal Electronic Communications Privacy Act (“ECPA”) and Florida’s Security of Communications Act and for committing the Florida torts of intrusion and intentional infliction of emotional distress. He alleged both diversity jurisdiction and federal question jurisdiction. The media companies moved to dismiss, arguing, among other things, that the District Court lacked subject matter jurisdiction. The District Court agreed and dismissed the case. We affirm. I. In a 267-page complaint, Shaikh alleged that while he was a student at St. Thomas University College of Law in Miami, Florida, professors at the school hacked his cell phone and laptop and installed hidden cameras with audio capability in his apartment and car. Then, with the help of law enforcement, they disseminated remote access to the devices and hidden cameras to various businesses. Shaikh later withdrew from law school and moved to Orlando, Florida. He alleged that, similar to what occurred in Miami, workers installed cameras with audio capability in his Orlando apartment, and people and businesses in Orlando were given access to those cameras. Shaikh claimed that Fox News Network, LLC (“Fox News”); Paramount Global; Warner Bros. Discovery, Inc.; NBCUniversal Media, LLC (“NBC”); and The Walt Disney Company (“Disney”) all illegally accessed the devices and cameras and used AI mind-reading technology provided by the federal government to read his thoughts. 1 As support for his claims, Shaikh explained, among other things, that various entertainment programs run by the media companies referenced phrases he had stated in his car, stated in Zoom interviews, searched on the internet, and typed in the complaint he was drafting for his lawsuits. They referenced specific songs he had listened to and memories he had. They showed images that mirrored expressions he made, chose guests based on his thoughts, and chose sponsors based on his internet search history. People in the various entertainment programs wore clothing similar to what he wore at home, engaged in actions similar to what he did in his car, and visibly and audibly reacted to his thoughts and actions while on screen. They also used and emphasized certain words to mock him, let him know they were watching him, and acknowledge their wrongful conduct. The media companies filed motions to dismiss on various grounds.² They argued, as relevant here, that (1) the Court had no jurisdiction over the case because the complaint’s allegations were 1 Shaikh made similar allegations against various other individuals and entities, including Publix, Starbucks, Moe’s, all NBA players, the NBA Commissioner, Ron Desantis, Ashley Moody, Merrick Garland, Chris Wray, the University of Central Florida, the University of Florida, and various law firms for which Shaikh has worked. Because none of these businesses or individuals are named defendants in this

case, we omit their details for simplicity. 2 Paramount Global, WarnerBros. Discovery, and NBC filed a joint motion. Fox News and Disney each filed their own motions. USCA11 Case: 25-12004 Document: 71-1 Date Filed: 06/04/2026 Page: 4 of 8 4 Opinion of the Court 25-12004

insubstantial and frivolous and (2) the complaint failed to state a claim because it was devoid of plausible allegations. Shaikh responded to their motions and filed a Rule 11(c)(2) motion for sanctions against Disney for allegedly making false representations. The Magistrate Judge agreed with the media companies' jurisdictional arguments and did not address their other arguments. He issued a report and recommendation ("R&R") to grant the media companies' motions, to dismiss Shaikh's claims as "patently insubstantial under Rule 12(b)(1)," and to terminate all pending motions. Shaikh objected, 3 arguing that the Magistrate Judge failed to properly consider evidence, disguised a merits-based challenge as a jurisdictional one, and made factual misrepresentations in his R&R. Shaikh also argued that the recommendation to terminate all pending motions was an attempt to "protect Disney from perjury." Shaikh then filed more motions, including a motion to submit a forensic report he prepared and a motion to supplement his pleadings regarding the media companies' agency relationships. The District Court overruled Shaikh's objections and adopted and confirmed the R&R. It dismissed Shaikh's complaint for lack of jurisdiction and directed the Clerk of Court to terminate all pending motions and close the case. Shaikh timely appeals. 3 Shaikh filed a "response" to the report and recommendation, which the District Court construed as an objection. USCA11 Case: 25-12004 Document: 71-1 Date Filed: 06/04/2026 Page: 5 of 8 25-12004 Opinion of the Court 5 II. We review de novo a district court's dismissal for lack of subject matter jurisdiction. *Pillow v. Bechtel Const., Inc.*, 201 F.3d 1348, 1351 (11th Cir. 2000). Federal district courts are courts of limited jurisdiction. *Patel v. Hamilton Med. Ctr., Inc.*, 967 F.3d 1190, 1193 (11th Cir. 2020). Under diversity jurisdiction, they can hear civil actions between diverse citizens where the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332. Under federal question jurisdiction, they can hear civil actions "arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. When defendants challenge subject matter jurisdiction, they do so either facially or factually. *Fed. R. Civ. P. 12(b)(1)*; *Lawrence v. Dunbar*, 919 F.2d 1525, 1529 (11th Cir. 1990). "Facial attacks challenge subject matter jurisdiction based on the allegations in the complaint." *Morrison v. Amway Corp.*, 323 F.3d 920, 924 n.5 (11th Cir. 2003). When presented with one, the district court accepts the complaint's allegations as true and determines if they sufficiently allege jurisdiction. *Id.*; *Lawrence*, 919 F.2d at 1529. Factual attacks are different. They "challenge the existence of subject matter jurisdiction in fact, irrespective of the pleadings." *Id.* (citation modified). As such, "no presumptive truthfulness attaches to [the] plaintiff's allegations, and the existence of disputed material facts will not preclude the trial court from evaluating for itself the merits of [the] jurisdictional claims." *Id.* (citation modified). USCA11 Case: 25-12004 Document: 71-1 Date Filed: 06/04/2026 Page: 6 of 8 6 Opinion of the Court 25-12004 Federal courts have adopted a "standard" for district courts to follow when presented with factual attacks: where they implicate an element of the cause of

action, the district court generally must “find that jurisdiction exists and deal with the objection as a direct attack on the merits of the plaintiff’s case.” *Id.* However, the court can dismiss on subject matter jurisdiction grounds “where the alleged claim under the Constitution or federal statutes clearly appears to be immaterial and made solely for the purpose of obtaining jurisdiction or where such a claim is wholly insubstantial and frivolous.” *Bell v. Hood*, 327 U.S. 678, 682–83, 66 S. Ct. 773, 776

(1946). Claims are “wholly insubstantial and frivolous” where they have “no plausible foundation.” *Blue Cross & Blue Shield of Alabama v. Sanders*, 138 F.3d 1347, 1352 (11th Cir. 1998). At the outset, we note that our Court has seemingly never determined whether federal courts lack diversity jurisdiction where the claims are frivolous; our cases on the matter concern only federal question jurisdiction. See, e.g., *id.* at 1350; see also *Bell*, 327 U.S. at 679, 66 S. Ct. at 774. Shaikh, however, makes no argument that the District Court failed to consider his diversity jurisdiction allegation or that the District Court improperly denied diversity jurisdiction based on its conclusion that his claims were frivolous. We, therefore, will not address the issue ourselves. We treat Shaikh’s claim of diversity jurisdiction as abandoned. See *United States v. Jernigan*, 341 F.3d 1273, 1283 n.8 (11th Cir. 2003) (explaining that appellants must, “[a]t the very least, . . . devote a discrete, substantial portion of his argumentation” to the issue they wish to appeal, otherwise the issue is abandoned). USCA11 Case: 25-12004 Document: 71-1 Date Filed: 06/04/2026 Page: 7 of 8 25-12004 Opinion of the Court 7 Here, the media companies argued that there was no subject matter jurisdiction because Shaikh’s claims were “wholly insubstantial and frivolous.” This was a factual attack on subject matter jurisdiction, and it was excepted from the general requirement that courts must find jurisdiction and treat the attack as one on the merits. The Court therefore properly considered the arguments on subject matter jurisdiction grounds. And it properly dismissed the complaint. Shaikh’s allegations—that various media companies are watching him and reading his thoughts via hidden cameras and “clandestine” mind-reading technology “never before seen in the history of mankind” all for the purposes of “content creation,” “news production,” and “psychological torture”—were utterly divorced from reality. They had no plausible foundation and were clearly frivolous. There was no federal question jurisdiction for the Court to hear the case. 4 4 Shaikh specifically argued that, in ruling on the motions to dismiss, the Court

(1) erroneously adopted the Magistrate Judge’s inaccurate findings of fact and

(2) erroneously failed to consider the forensic report and agency relationship

documents that he had filed. We reject both arguments. First, the Magistrate Judge did not make findings of fact; he simply gave a summary of the allegations Shaikh made. Second, though courts “may consider” undisputed documents that are central to the plaintiff’s claims when ruling on a motion to dismiss, *Johnson v. City of Atlanta*, 107 F.4th 1292, 1300 (11th Cir. 2024) (emphasis added), Shaikh provides no cases showing that they must consider them. As such, even assuming the documents met the prerequisites for consideration, Shaikh does not show that the

Court was required to consider them. We also reject Shaikh's arguments that the Court erred by failing to address the merits USCA11 Case: 25-12004 Document: 71-1 Date Filed: 06/04/2026 Page: 8 of 8 8 Opinion of the Court 25-12004 III. We affirm the District Court's dismissal of Shaikh's complaint for lack of subject matter jurisdiction. AFFIRMED. of his ECPA claim when it dismissed the case and by denying his Rule 11 motion against Disney without providing any discussion or analysis. For "once a federal court determines that it is without subject matter jurisdiction, the court is powerless to continue." Univ. of S. Alabama v. Am. Tobacco Co., 168 F.3d 405, 410 (11th Cir. 1999). All it can do is "announc[e] the fact [that it has no subject matter jurisdiction] and dismiss[] the cause." Id. (citation modified).