

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, PANAMA CITY DIVISION

Tiffany Brown v. Warden Gabby, et al.

Brown · No. 5:25-cv-356-AW/MJF · Decided January 22, 2026

SUMMARY

This Report and Recommendation addresses Tiffany Brown’s motions for preliminary injunction and temporary restraining order in a civil rights action against Bureau of Prisons employees. The magistrate judge recommends denying the motions without prejudice because the complaint was an impermissible shotgun pleading and did not demonstrate a substantial likelihood of success on the merits.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Panama City Division
WRITING FOR THE COURT	Michael J. Frank
JURISDICTION	United States District Court for the Northern District of Florida, Panama City Division
DECIDED	January 22, 2026
DOCKET	5:25-cv-356-AW/MJF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a federal inmate proceeding pro se, moved for three preliminary injunctions and a temporary restraining order. A magistrate judge issued this report and recommendation, recommending that the motions be denied without prejudice because Plaintiff had not shown a substantial likelihood of success on the merits.
STANDARD OF REVIEW	A preliminary injunction or temporary restraining order requires the movant to demonstrate a substantial likelihood of success on the merits, a substantial likelihood of irreparable injury, that the threatened injury outweighs any injury to the nonmovant, and that the injunction would not disserve the public interest. If the movant cannot demonstrate a substantial likelihood of success on the merits, the court need not address the remaining requirements.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tiffany Brown v. Warden Gabby, et al.

TOPICS

injunctions pleadings civil procedure civil rights prisoners rights

PRACTICE AREAS

civil rights prisoner litigation federal civil procedure injunctive relief

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to a preliminary injunction or temporary restraining order.
2. Whether Plaintiff demonstrated a substantial likelihood of success on the merits when her complaint was an impermissible shotgun pleading and failed to state a plausible claim for relief.

HOLDINGS

1. Plaintiff failed to demonstrate a substantial likelihood of success on the merits because her complaint was a shotgun pleading and did not state a plausible claim for relief.
2. The District Court should deny Plaintiff's three motions for preliminary injunction and her motion for a temporary restraining order without prejudice.

KEY QUOTATIONS

“The chief function of temporary restraining orders and preliminary injunctions “is to preserve the status quo until the merits of the controversy can be fully and fairly adjudicated.”” (Discussion)

“For the reasons set forth above, the undersigned respectfully RECOMMENDS that the District Court DENY Plaintiff’s motions for preliminary injunction, Docs. 3, 9, 15, and her motion for a temporary restraining order, Doc. 18, without prejudice.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff, a federal inmate, asserted civil-rights claims against Bureau of Prisons employees, including Eighth Amendment conditions-of-confinement and deliberate-indifference claims. She also asserted claims under several criminal statutes. Her complaint named multiple defendants and claims without identifying which defendants were responsible for particular acts or omissions. The magistrate judge determined that the complaint was a shotgun pleading and failed to state a plausible claim for relief.

PROCEDURAL HISTORY

Plaintiff filed a civil rights complaint against Bureau of Prisons employees and sought preliminary injunctive relief and a temporary restraining order. The magistrate judge previously struck the complaint as a shotgun pleading and for failure to state a plausible claim, requiring Plaintiff to replead. Because the defective pleading

prevented a showing of substantial likelihood of success on the merits, the magistrate judge recommended denial of the requested relief without prejudice.

DISPOSITION

other

CASES CITED

- Est. of Bass v. Regions Bank, Inc., 947 F.3d 1352, 1358 (11th Cir. 2020)
- Bloedorn v. Grubs, 631 F.3d 1218, 1229 (11th Cir. 2011)
- Ne. Fla. Chapter of Ass'n of Gen. Contractors v. City of Jacksonville, 896 F.2d 1283, 1284 (11th Cir. 1990)
- Granny Goose Foods Inc. v. Brotherhood of Teamsters, 415 U.S. 423, 439 (1974)
- All Care Nursing Serv. v. Bethesda Mem'l Hosp., 887 F.2d 1535, 1537 (11th Cir. 1989)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)
- In re Gateway Radiology Consultants, P.A., 983 F.3d 1239, 1254 (11th Cir. 2020)
- Ingram v. Ault, 50 F.3d 898, 900 (11th Cir. 1995)
- KOVA Com. of Naples, LLC v. Sabin, No. 2:23-CV-614-JES-KCD, 2023 WL 5334550, at *2 (M.D. Fla. Aug. 18, 2023)
- Freeman v. Bay Equity LLC, 2020 WL 4700767, at *1 (S.D. Ga. Aug. 13, 2020)
- Raja v. Englewood Cmty. Hosp., Inc., No. 12-cv-2083, 2013 WL 12157136, at *2 (M.D. Fla. Apr. 9, 2013)
- Michael Westbrook v. Quality Loan Serv. Corp., No. CV-25-01061-PHX-DWL, 2025 WL 1677892, at *4 (D. Ariz. June 13, 2025)
- Keister v. Bell, 879 F.3d 1282, 1288 (11th Cir. 2018)
- Valdes v. Sch. Bd. of Miami-Dade Cnty., 806 F. App'x 722, 724 (11th Cir. 2020)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION TIFFANY BROWN, Plaintiff, v. Case No. 5:25-cv-356-AW/MJF
WARDEN GABBY, et al., Defendants. / REPORT AND RECOMMENDATION This matter is before this court on Plaintiff's three motions for a preliminary injunction, Docs. 3, 9, 15, and her motion for temporary restraining order, Doc.

18. Because Plaintiff failed to show a substantial likelihood of success on the merits, the District Court should deny Plaintiff's motions. BACKGROUND Plaintiff—a federal inmate proceeding pro se—filed a civil rights complaint against Defendants, who are employees of the Bureau of Prisons. Plaintiff asserts a variety of claims, including an Eighth-Amendment conditions of confinement claim, an Eighth-Amendment deliberate indifference to a serious medical need claim, and frivolous claims asserting violations of four criminal statutes—18 U.S.C. §§ 641, 1040, 1343, 1957.

Doc. 7 at 7. The undersigned reviewed Plaintiff's complaint and identified two important defects: (1) the complaint was a "shotgun pleading" and (2) Plaintiff failed to state a plausible claim for relief. Therefore, consistent with Eleventh Circuit precedent, the undersigned struck Plaintiff's complaint and required Plaintiff to replead the claims. *Est. of Bass v. Regions Bank, Inc.*, 947 F.3d 1352, 1358 (11th Cir.

2020). DISCUSSION Preliminary injunctions and temporary restraining order are extraordinary remedies. *Bloedorn v. Grubs*, 631 F.3d 1218, 1229 (11th Cir. 2011). The chief function of temporary restraining orders and preliminary injunctions "is to preserve the status quo until the merits of the controversy can be fully and fairly adjudicated." *Ne. Fla. Chapter of Ass'n of Gen.*

Contractors v. City of Jacksonville, 896 F.2d 1283, 1284 (11th Cir. 1990); see *Granny Goose Foods Inc. v. Brotherhood of Teamsters*, 415 U.S. 423, 439 (1974) (discussing TROs); *All Care Nursing Serv. v. Bethesda Mem'l Hosp.*, 887 F.2d 1535, 1537 (11th Cir. 1989).

To establish entitlement to a temporary restraining order or preliminary injunction, a movant must demonstrate: (1) a substantial likelihood of success on the merits of the underlying claim; (2) a substantial likelihood of suffering irreparable injury if the TRO/injunction is not granted; (3) that the threatened injury to the plaintiff outweighs any injury the nonmovant might suffer from the injunction; and (4) the injunction would not disserve the public interest.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); *In re Gateway Radiology Consultants, P.A.*, 983 F.3d 1239, 1254 (11th Cir. 2020); *Ingram v. Ault*, 50 F.3d 898, 900 (11th Cir. 1995). Plaintiff's complaint violated the Federal Rules of Civil Procedure and is a so-called "shotgun pleading." Plaintiff asserted multiple claims against multiple Defendants without specifying which of the defendants are responsible for specific acts or omissions and against which of the defendants particular claims are asserted.

Plaintiff plainly failed to state a plausible claim for relief. When courts strike complaints that violate the Federal Rules of Civil Procedure, they should not "entertain the extreme remedy of a TRO." *KOVA Com. of Naples, LLC v. Sabin*, No. 2:23-CV-614-JES-KCD, 2023 WL 5334550, at *2 (M.D. Fla. Aug. 18, 2023); see *Freeman v. Bay Equity LLC*, 2020 WL 4700767, at *1 (S.D.

Ga. Aug. 13, 2020) (noting that the court could not issue a TRO because the "Court could not even reach the merits of Plaintiff's underlying claims because his Complaint [was] a shotgun pleading."); *Raja v. Englewood Cmty. Hosp., Inc.*, No. 12-cv-2083, 2013 WL 12157136, at *2 (M.D. Fla. Apr. 9, 2013) (dismissing amended complaint as shotgun pleading, granting leave to amend, and denying preliminary injunction as moot); accord *Michael Westbrook, v. Quality Loan Serv.*

Corp., No. CV-25-01061-PHX-DWL, 2025 WL 1677892, at *4 (D. Ariz. June 13, 2025) ("The incomprehensible nature of the complaint, alone, undermines any likelihood of success on the

merits.”). Plaintiff obviously has not demonstrated a substantial likelihood of success on the merits. When a movant “is unable to demonstrate a substantial likelihood of success on the merits,” courts “do not need to address the remaining preliminary injunction requirements.” See *Keister v. Bell*, 879 F.3d 1282, 1288 (11th Cir.

2018). For this reason alone, the District Court should deny Plaintiff’s motion without prejudice. See *Valdes v. Sch. Bd. of Miami-Dade Cnty.*, 806 F. App’x 722, 724 (11th Cir. 2020).
CONCLUSION For the reasons set forth above, the undersigned respectfully RECOMMENDS that the District Court DENY Plaintiff’s motions for preliminary injunction, Docs. 3, 9, 15, and her motion for a temporary restraining order, Doc.

18, without prejudice. At Pensacola, Florida, this 22nd day of January 2026. /s/ Michael J. Frank
Michael J. Frank United States Magistrate Judge NOTICE TO THE PARTIES The District Court referred this case to a magistrate judge to address preliminary matters and to make recommendations regarding dispositive matters. See N.D. Fla. Loc. R. 72.2; see also 28 U.S.C. § 636(b); Fed.

R. Civ. P. 72(b). Objections to these proposed findings and recommendations must be filed within fourteen days of the date of the report and recommendation. Any different deadline that may appear on the electronic docket is for the court’s internal use only and does not control. A party who fails to object to the magistrate judge’s findings or recommendations contained in a report and recommendation waives the right to challenge on appeal the District Court’s order based on unobjected-to factual and legal conclusions.

See 11th Cir. Rule 3-1; 28 U.S.C. § 636.