

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Michael Andrews v. Ric Bradshaw

Andrews · No. 26-cv-80007-ALTMAN · Decided February 2, 2026

SUMMARY

The United States District Court for the Southern District of Florida dismissed Michael Andrews’s 42 U.S.C. § 1983 complaint without prejudice after finding that it used the wrong prisoner civil-rights form, constituted an impermissible shotgun pleading, and was unsupported by a legally sufficient in forma pauperis application. The court granted Andrews until February 27, 2026, to file an amended complaint and either pay the filing fee or submit a compliant IFP motion with a six-month account statement. The court also administratively closed the case pending compliance and further screening.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Roy K. Altman
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	February 2, 2026
DOCKET	26-cv-80007-ALTMAN
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a pro se state pretrial detainee's 42 U.S.C. § 1983 complaint and review of his motion to proceed in forma pauperis under 28 U.S.C. § 1915.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915A; the complaint must satisfy Rules 8 and 10 and plausibly state a claim for relief. The court may dismiss for failure to comply with the Federal Rules, Local Rules, or court orders.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Michael Andrews v. Ric Bradshaw

TOPICS

- pleadings
- civil procedure
- section 1983
- prisoners rights
- motions to dismiss

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

pleading practice

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the complaint was subject to mandatory dismissal under 28 U.S.C. § 1915A because it failed to state a plausible claim and violated the Federal Rules and Local Rule 88.2.
2. Whether the complaint was an impermissible shotgun pleading because it failed to use the prescribed prisoner civil-rights form, failed to present allegations in numbered paragraphs, and failed to separate causes of action into distinct counts.
3. Whether Andrews's motion to proceed in forma pauperis was legally sufficient when it lacked a certified six-month inmate trust-account statement.

HOLDINGS

1. A court must screen a prisoner complaint seeking redress from a governmental entity or officer and may dismiss it when it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
2. A pro se prisoner civil-rights complaint in the Southern District of Florida must substantially follow the court-prescribed form and must be signed under penalty of perjury.
3. A complaint is an impermissible shotgun pleading when it fails to present allegations in properly organized paragraphs and separate each cause of action into its own count, thereby preventing defendants and the court from determining which facts support which claims.
4. A prisoner seeking to proceed without prepaying the filing fee must submit the required affidavit and a certified trust-account statement covering the six months preceding the filing of the complaint.
5. When a more carefully drafted complaint might state a claim, a pro se plaintiff must be given at least one opportunity to amend before dismissal with prejudice.

KEY QUOTATIONS

“The unifying characteristic of all types of shotgun pleadings is that they fail to one degree or another, and in one way or another, to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.” (Analysis, second section)

“The amended complaint will be the sole, operative pleading in the case” (Order, paragraph 2)

FACTUAL BACKGROUND

Andrews, a state pretrial detainee, alleged that two Palm Beach County Sheriff's Office correctional officers pepper-sprayed him, pulled him by the hair, struck him repeatedly with walkie-talkies, dragged him from a dormitory, and left him bleeding. He alleged that the conduct was part of a continuing pattern of abuse by other officers. He sued Sheriff Ric Bradshaw, but the complaint did not identify Bradshaw in its factual allegations or clearly connect him to a particular claim.

PROCEDURAL HISTORY

Andrews filed a civil-rights complaint against Ric Bradshaw and a motion to proceed in forma pauperis. The court screened the complaint, found multiple pleading defects and an insufficient filing-fee application, dismissed the complaint without prejudice, denied the IFP motion, granted leave to amend, and administratively closed the case subject to reopening if a sufficient amended complaint survives screening.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Brutus v. Int’l Equity Lifestyle Props., Inc. v. Fla. Mowing & Landscape Serv., Inc., 556 F.3d 1232, 1240–41 (11th Cir. 2009)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Loren v. Sasser, 309 F.3d 1296, 1304 (11th Cir. 2002)
- Heard v. Nix, 170 F. App’x 618, 619 (11th Cir. 2006)
- Fils v. City of Aventura, 647 F.3d 1272, 1284 (11th Cir. 2011)
- GJR Inves., Inc. v. Cnty. of Escambia, 132 F.3d 1359, 1369 (11th Cir. 1998)
- Modeste v. Michael, 2021 WL 633737, at *4 (S.D. Fla. Feb. 18, 2021)
- Molina v. Satz, 2020 WL 4381411, at *2 (S.D. Fla. July 31, 2020)
- Weiland v. Palm Beach Cnty. Sheriff’s Off., 792 F.3d 1313, 1320, 1322–23 (11th Cir. 2015)
- Embree v. Wyndham Worldwide Corp., 779 F. App’x 658, 662 (11th Cir. 2019)
- Miller v. EBS Sec., Inc., 2020 WL 12188709, at *1 (N.D. Fla. Oct. 30, 2020)
- PVC Windoors, Inc. v. Babbittbay Beach Constr., N.V., 598 F.3d 802, 806 n.4 (11th Cir. 2010)
- Strategic Income Fund, L.L.C. v. Spear, Leeds & Kellogg Corp., 305 F.3d 1293, 1295 (11th Cir. 2002)
- Pirela v. Unknown Bar of Homosexuals & False Witnesses, 2017 WL 5309001, at *1 (S.D. Fla. Apr. 3, 2017)
- Anderson v. Dist. Bd. of Trustees of Cent. Fla. Cmty. Coll., 77 F.3d 364, 366 (11th Cir. 1996)
- Woldeab v. DeKalb Cnty. Bd. of Educ., 885 F.3d 1289, 1291 (11th Cir. 2018)
- Bank v. Pitt, 928 F.2d 1108, 1112 (11th Cir. 1991)
- LaCroix, 627 F. App’x 818
- Ortiz v. Carnival Corp., 2020 WL 6945958, at *1 (S.D. Fla. Nov. 25, 2020)
- Lowery v. Ala. Power Co., 483 F.3d 1184, 1219 (11th Cir. 2007)

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