

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Mark Patrick Lange v. Florida Department of Law Enforcement;
Carmine Marceno, in his official capacity as Sheriff of Lee County

Lange v. Florida Department of Law Enforcement, No. 2:25-cv-00366-JES-NPM (M.D. Fla. Feb. 20, 2026) ·
No. 2:25-cv-00366-JES-NPM · Decided February 20, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied Mark Lange’s emergency motion for a preliminary injunction seeking to prevent enforcement of Florida’s sexual-offender registration requirements. The court held that Lange had not shown a substantial likelihood of success under Florida Statute § 943.0435, including because fewer than 25 years had passed since his Minnesota registration requirement ended and because statutory exclusions might apply. The court also concluded that Lange had not shown the requested injunction would serve the public interest.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	John E. Steele
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 20, 2026
DOCKET	2:25-cv-00366-JES-NPM
DISPOSITION	other
PROCEDURAL POSTURE	The district court considered Plaintiff's Emergency Motion for Immediate Relief, seeking a preliminary injunction barring enforcement of Florida's sexual-offender registration requirements.
STANDARD OF REVIEW	A preliminary injunction is reviewed under the four-factor test requiring a substantial likelihood of success on the merits, irreparable injury absent relief, no substantial harm to the opposing party, and consistency with the public interest. The grant or denial of preliminary injunctive relief is within the district court's sound discretion.
PRECEDENTIAL VALUE	unpublished federal district court opinion; persuasive authority only

PARTIES

Mark Patrick Lange v. Florida Department of Law Enforcement,
Carmine Marceno, in his official capacity as Sheriff of Lee County

TOPICS

injunctions

statutory interpretation

civil procedure

due process

equal protection

PRACTICE AREAS

civil rights

constitutional law

civil procedure

remedies

sex-offender registration

QUESTIONS PRESENTED

1. Whether Lange demonstrated a substantial likelihood of success on his claim that Florida Statute section 943.0435(11)(a) required removal of his name from Florida's sexual-offender registry.
2. Whether Lange demonstrated a substantial likelihood of success on his remaining claims, which relied on Florida Statute section 943.0435(11)(b) and various constitutional and statutory theories.
3. Whether the requested preliminary injunction would be adverse to the public interest.

HOLDINGS

1. Lange failed to show a substantial likelihood of success because section 943.0435(11)(a) requires a petition for removal and, as an initial requirement, at least twenty-five years after lawful release from confinement, supervision, or sanction, whichever is later; fewer than seventeen years had elapsed since his Minnesota reporting obligation ended.
2. Lange failed to establish a substantial likelihood of success on his remaining claims because he did not show that section 943.0435(11)(b) exempted him from Florida's reporting requirements.
3. Lange failed to show that the requested preliminary injunction would not be adverse to the public interest because he made no allegation explaining how the injunction would serve the public interest.

KEY QUOTATIONS

“A preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly establishes the burden of persuasion as to the four requisites.”

“The grant or denial of a preliminary injunction is a decision within the sound discretion of the district court.”

FACTUAL BACKGROUND

Lange was convicted of fourth-degree criminal sexual conduct in Minnesota in 1995 and was required to register as a predatory offender there. In 2003, a Minnesota court discharged him from probation, restored his civil rights, and deemed the conviction a misdemeanor; in 2009, Minnesota notified him that his Minnesota registration obligation had ended, while expressly warning that the notice did not determine his obligations in other states. After moving to Florida, Lange registered as a sexual offender under Florida law, and a Minnesota

court later expunged and sealed records concerning his conviction in 2023. Lange argued that these events entitled him to removal from Florida's registry or exemption from Florida's reporting requirements.

PROCEDURAL HISTORY

Lange previously sought injunctive relief concerning Florida's registration requirements, and the court's prior Order addressed related claims. In this proceeding, Lange filed an Emergency Motion for Immediate Relief; the defendants opposed it. The court denied the motion after concluding that Lange failed to demonstrate a substantial likelihood of success on the merits and that the requested injunction would be adverse to the public interest.

DISPOSITION

other

CASES CITED

- In re Standard Jury Instructions in Crim. Cases—Rep. No. 2007-4, 983 So. 2d 531 (Fla. 2008)
- Long v. Sec’y Dep’t of Corr., 924 F.3d 1171, 1176 (11th Cir.)
- Vital Pharms., Inc. v. Alfieri, 23 F.4th 1282, 1291 (11th Cir. 2022)
- Forsyth Cnty. v. U.S. Army Corp of Eng’rs, 633 F.3d 1032, 1039 (11th Cir.)
- Alabama v. U.S. Army Corps of Eng’rs, 424 F.3d 117, 1134 (11th Cir. 2005)
- United States v. Lambert, 695 F.2d 536, 539 (11th Cir.)

OPINION

Lange

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

MARK PATRICK LANGE, Pro Se,

Plaintiff, v. Case No: 2:25-cv-00366-JES-NPM

FLORIDA DEPARTMENT OF LAW

ENFORCEMENT; CARMINE

MARCENO, in his official capacity as Sheriff of Lee County, Defendants.

OPINION AND ORDER

This matter comes before the Court on review of Plaintiff Mark Lange’s (“Plaintiff” or “Lange”) Emergency Motion for Immediate Relief (Doc. #83) filed on December 12, 2025. Defendant Carmine Marceno, in his official capacity as Sheriff of Lee County, Florida (“Sheriff Marceno”) filed a Response in Opposition (Doc. #90) on December 26, 2025. Defendant Florida Department of Law Enforcement (“FDLE”) filed a Response in Opposition (Doc. #93) on December 29, 2025.

For the reasons set forth below, Plaintiff's motion is denied. I. Lange was convicted of fourth degree criminal sexual conduct in Minnesota in violation of Minnesota Statute Section 609.345 subd. 1(b) in 1995. (Doc. #68-1, p. 14.) The conviction required Lange to register as a predatory offender in Minnesota. Minn. Stat. § 243.166, subd. 1b(a)(1)(iii). However, in 2003, after the Minnesota Probation Office reported that Lange "had complied with all the terms and conditions of probation," and recommended that he be honorably discharged from probation, a Minnesota state court ordered Lange "discharged from probation, restored to all civil rights and to full citizenship with full right to vote and hold office the same as if said conviction had not taken place." (Doc. #68-1, p. 4.) Additionally, the Order provided that the "conviction is deemed to be for a misdemeanor" pursuant to Minnesota Statute Section 609.13, subd. 1(2). (Id.) Lange relocated to Florida in 2003 and registered as a sex offender in Florida pursuant to Florida Statute Section 943.0435.1 Around April 11, 2009, Lange received a letter from the Minnesota Department of Public Safety ("MDPS") informing him that his registration requirement as a sex offender was fulfilled as of January 26, 2009. As such, he was "no longer required to register 1 Any individual that is a sexual offender as defined by subsection 1(h)1 "is required to provide specific information to satisfy the reporting requirements." See In re Standard Jury Instructions in Crim. Cases—Rep. No. 2007-4, 983 So. 2d 531 (Fla. 2008)(per curiam). as a Predatory Offender in the State of Minnesota." The letter, however, explicitly warned Lange that the "notice only applies to your registration requirement for the State of Minnesota." (Doc. #68-1, p. 2.) Lange was still required to "contact the Registry for any other State where you have lived, worked, or attended school to determine the status of your registration requirement within that State." (Id.) After that letter, Lange's Minnesota predatory offender registration file was closed. (Id.) Lange then moved for an expungement in a Minnesota state court in 2023. (Id. at p. 14-17.) The court there noted that Lange was required to register as a sex offender and that the offense of conviction was now deemed a misdemeanor for expungement purposes in Minnesota. (Id. at p. 14.) The court expunged Lange's judicial records pursuant to its inherent authority, ordering "[a]ll judicial branch records concerning [Lange's conviction], including records of arrest, citation, and charges, relative to the offense(s) shall be sealed." (Id. at p. 16.) The Minnesota Order was filed in the public records of Lee County, Florida. (Id. at p. 35) Lange, for the second time, moves to enjoin the Defendants from enforcing any of Florida's registration requirements against him. In support of his motion, Lange claims he is entitled to injunctive relief through: (1) the Full Faith and Credit Clause;

(2) the Due Process Clause of the 14th Amendment; (3) the Equal Protection Clause of the 14th Amendment; (4) the Right to Family Integrity; (5) Right to Reputation and Liberty Interests; (6) 42 U.S.C. § 1983; and (6) Florida Statute Section 943.0435(11)(b)(4).2 II. The Federal Rules of Civil Procedure and the Local Rules of the Middle District of Florida authorize a court to issue a preliminary injunction under certain circumstances. See Fed. R. Civ. P. 65(a); M.D. Fla. R. 6.02. A preliminary injunction will be issued only if the

movant demonstrates: “(1) he has a substantial likelihood of success on the merits, (2) he will suffer irreparable injury unless the injunction issues, (3) the injunction would not substantially harm the other litigant, and

(4) if issued, the injunction would not be adverse to the public

interest.” See *Long v. Sec’y Dep’t of Corr.*, 924 F.3d 1171, 1176 (11th Cir. 2019). “A preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly establishes the burden of persuasion as to the four requisites.” See *Vital Pharms., Inc. v. Alfieri*, 23 F.4th 1282, 1291 (11th Cir. 2022). While Plaintiff cites Section 943.0435(11)(b)(4) in his motion, the Court notes he likely meant to cite Section 943.0435(11)(a)(4), given there is no such Section 943.0435(11)(b)(4). 2022)(quoting *Forsyth Cnty. v. U.S. Army Corp of Eng’rs*, 633 F.3d 1032, 1039 (11th Cir. 2011)). A movant need only demonstrate a substantial likelihood of success on one of his claims—not all his claims—to secure a preliminary injunction. See *Alabama v. U.S. Army Corps of Eng’rs*, 424 F.3d 117, 1134 (11th Cir. 2005). Ultimately, “[t]he grant or denial of a preliminary injunction is a decision within the sound discretion of the district court.” See *United States v. Lambert*, 695 F.2d 536, 539 (11th Cir. 1983). III. Lange fails to satisfy the first requirement for a preliminary injunction—that he has a substantial likelihood of success on the merits. In his motion, Lange argues that Section 943.0435(11)(a)4 requires FDLE to remove him from the registry. This reading, however, is flawed. Section 943.0435(11)(a) requires the party to petition to remove the requirement for registration as a sexual offender. See 15B Fla. Jur. 2d Criminal Law Procedure: Trial Matters and Proceedings § 1246 (2026). The statute provides a multi-step process; however, the Court need only discuss the first step. The first step requires that Lange have been “lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years . . .” See Fla. Stat. § 943.0435(11)(a)(1). Through Lange’s own allegations, it was only in 2009 when he was no longer subject to any form of reporting requirement in Minnesota. (Doc. #68.) As such, less than seventeen years have passed since his reporting requirement was lifted and Lange is precluded from seeking any remedy under Section 943.0435(11)(a). Further, given FDLE’s own letter that Lange relies upon, it is questionable at best whether Lange could ever qualify for such petition given his requirement to register was based upon an adult conviction for a violation of Section 800.04(5). See Fla. Stat. § 943.0435(11)(a)(1) (prohibiting individuals from petitioning a court for removal from the registry where conviction is based upon Section 800.04(5)(b) or Section 800.04(5)(c)2). Lange has presented no evidence that his underlying conviction was not based on any crimes similar to those excluded sections. Therefore, Lange has failed to show a likelihood of success as it relates to Section 943.0435(11)(a). The Court adopts the reasoning from its prior Order (Doc. #66) as it relates to the remaining claims which still rely upon Section 943.0435(11)(b). Thus, Lange has still failed to show Florida Statute Section 943.0435(11)(b) likely exempts him from Florida’s reporting requirements, and he is not entitled to a preliminary injunction. Further, as previously discussed in this Court’s prior Order (Doc. #66), Lange has failed to show that a preliminary injunction would not be adverse to

the public interest. In fact, Lange makes no allegation regarding how a preliminary injunction would serve the public interest. (Doc. #83.) As such, this Court will deny the preliminary injunction for this reason as well.? For the reasons set forth in this order, the motion will be denied. Accordingly, it is now ORDERED: Plaintiff's Emergency Motion for Immediate Relief (Doc. #83) is DENIED. DONE AND ORDERED at Fort Myers, Florida, this 20th day of February, 2026.

JGHN E. STEELE

SHEIOR UNITED STATES DISTRICT JUDGE

Copies: Parties of record 3 Sheriff Marceno requested sanctions in the form of attorney's fees, however, the Court finds such award would be inappropriate. While Lange presented similar arguments and allegations, he relied on a different portion of the statute in seeking relief. Thus no award of attorney's fees will be given.