

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

**Andrew Bryant Sheets v. Matthew Woelk, in Personal Capacity; City
of Punta Gorda; and Cody Waldrop, in Personal Capacity**

Sheets v. Woelk, No. 2:25-cv-61-KCD-DNF (M.D. Fla. Feb. 9, 2026) · No. 2:25-cv-61-KCD-DNF · Decided
February 9, 2026

SUMMARY

This order addresses Defendants' motion to dismiss Andrew Bryant Sheets's 42 U.S.C. § 1983 action arising from a trespass warning issued during a protest outside an event center. The court rejects the shotgun-pleading challenge and dismisses the viewpoint-discrimination claim, but allows claims for First Amendment retaliation, procedural due process, and conspiracy to proceed.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Kyle C. Dudek
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 9, 2026
DOCKET	2:25-cv-61-KCD-DNF
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the amended complaint under Federal Rule of Civil Procedure 12(b)(6). The court granted the motion in part as to the viewpoint-discrimination claim and denied it as to the retaliation, procedural-due-process, and conspiracy claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes reasonable inferences in the plaintiff's favor, and determines whether the complaint states a facially plausible claim. Conclusory allegations and legal conclusions need not be accepted as true. Qualified immunity was assessed from the facts alleged in the complaint.
PRECEDENTIAL VALUE	unpublished district-court order; precedential status unknown

PARTIES

Andrew Bryant Sheets v. Matthew Woelk, in personal capacity, City of Punta Gorda, Cody Waldrop, in personal capacity

TOPICS

motions to dismiss

free speech

first amendment

procedural due process

section 1983

PRACTICE AREAS

constitutional law

civil rights

civil procedure

municipal law

First Amendment litigation

QUESTIONS PRESENTED

1. Whether the complaint was an impermissible shotgun pleading.
2. Whether Sheets plausibly alleged that Officer Woelk discriminated against him based on his viewpoint.
3. Whether Sheets plausibly alleged First Amendment retaliation based on the issuance of the one-year trespass warning.
4. Whether Officer Woelk was entitled to qualified immunity at the motion-to-dismiss stage.
5. Whether Sheets plausibly alleged that the City's trespass-warning procedure deprived him of a protected liberty interest without constitutionally adequate process.
6. Whether Sheets plausibly alleged a § 1983 conspiracy between Officers Woelk and Waldrop.

HOLDINGS

1. The complaint was sufficiently clear and specific to allow each defendant to understand the claims and factual allegations against them; dismissal on shotgun-pleading grounds was unwarranted.
2. Sheets failed to plausibly allege that Officer Woelk acted because of the specific viewpoint or ideology expressed by Sheets's shirt and sign; Count I was dismissed.
3. Sheets plausibly alleged protected speech, an adverse action, and a causal connection between the speech and the one-year trespass warning; Count II survived dismissal.
4. Officer Woelk was not entitled to qualified immunity on the facts alleged because removing a speaker from a public sidewalk for protected speech violated a clearly established First Amendment right.
5. Sheets plausibly alleged that the City deprived him of a protected liberty interest through state action without notice and a meaningful opportunity to challenge the deprivation; Count III survived dismissal.
6. Sheets plausibly alleged that Officers Woelk and Waldrop reached an understanding to violate his constitutional rights and that an actionable constitutional injury occurred; Count IV survived dismissal.

KEY QUOTATIONS

"To prevent dismissal under Rule 12(b)(6), the plaintiff must allege sufficient facts to state a claim for relief that is plausible on its face." (Section II)

“If Sheets is right—and we must assume he is—then he stood on ground where the government’s ability to silence him was at its weakest.” (Section III, Count II)

“A system that allows an officer to unilaterally ban a citizen from a public area for a year, with no way to challenge the decision or correct a mistake, creates a high risk of erroneous deprivation.” (Section III, Count III)

“The Court is not saying he will win, only that he has earned the right to try.” (Section IV)

FACTUAL BACKGROUND

Sheets, a self-described journalist and critic of local law enforcement, protested on a sidewalk outside the Charlotte Harbor Event and Conference Center during a gun show. He wore a shirt stating "Fuck Policing 4 Profit" and carried a sign criticizing an alleged sheriff's gun-owner registry. After a private security guard called 911, Officer Matthew Woelk arrived and issued Sheets a trespass warning requiring him to leave and barring him from returning to the property for one year. Sheets alleged that the warning was based on his speech, that the City provided no hearing or appeal process, and that Officers Woelk and Cody Waldrop had arranged for the security guard to call police when Sheets arrived.

PROCEDURAL HISTORY

Sheets sued Officer Matthew Woelk, the City of Punta Gorda, and Officer Cody Waldrop under 42 U.S.C. § 1983 based on a one-year trespass warning issued after his protest outside an event center. Defendants moved to dismiss, arguing that the complaint was a shotgun pleading, that the constitutional claims were inadequately pleaded, and that Officer Woelk was entitled to qualified immunity. The court rejected the shotgun-pleading argument, dismissed Count I, allowed Counts II through IV to proceed, and ordered the City and Officer Woelk to answer within fourteen days.

DISPOSITION

other

CASES CITED

- Bryant v. Avado Brands, Inc., 187 F.3d 1271, 1273 n.1 (11th Cir. 1999)
- Andre v. Clayton Cnty., Ga., 148 F.4th 1282, 1291 (11th Cir. 2025)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- MSP Recovery Claims, Series LLC v. Metro. Gen. Ins. Co., 40 F.4th 1295, 1302 (11th Cir. 2022)
- Coral Ridge Ministries Media, Inc. v. Amazon.com, Inc., 6 F.4th 1247, 1251 (11th Cir. 2021)
- Pinson v. JPMorgan Chase Bank, Nat'l Ass'n, 942 F.3d 1200, 1208 (11th Cir. 2019)
- Holloman ex rel. Holloman v. Harland, 370 F.3d 1252, 1279 (11th Cir. 2004)
- Jackson v. McCurry, 762 F. App'x 919, 930 (11th Cir. 2019)
- Mnyofu v. Bd. of Educ. of Rich Twp. High Sch. Dist. 227, No. 03 C 8717, 2007 WL 9810896, at *3 (N.D. Ill. July 19, 2007)

- *Sheets v. Martin*, No. 2:25-CV-444-SPC-NPM, 2026 WL 74078, at *3 (M.D. Fla. Jan. 9, 2026)
- *Sheets v. Charlotte Cnty.*, No. 2:24-CV-958-JES-KCD, 2025 WL 1644084, at *5 (M.D. Fla. June 10, 2025)
- *Turner v. Williams*, 65 F.4th 564, 579-80 (11th Cir. 2023)
- *McCullen v. Coakley*, 573 U.S. 464, 476-77 (2014)
- *Wright v. Marshall Cnty., Ala.*, 752 F. Supp. 3d 1244, 1263 (N.D. Ala. 2024)
- *Greer v. Spock*, 424 U.S. 828, 836 (1976)
- *Bloedorn v. Grube*, 631 F.3d 1218, 1235 (11th Cir. 2011)
- *United States v. Kokinda*, 497 U.S. 720, 728 (1990)
- *Virginia v. Black*, 538 U.S. 343, 359 (2003)
- *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471 (2025)
- *Matal v. Tam*, 582 U.S. 218, 246 (2017)
- *Thurairajah v. City of Fort Smith, Ark.*, 925 F.3d 979, 985 (8th Cir. 2019)
- *United States v. Hicks*, 980 F.2d 963, 970 (5th Cir. 1992)
- *Iancu v. Brunetti*, 588 U.S. 388, 420 (2019) (Sotomayor, J., concurring in part)
- *S. Bos. Allied War Veterans Council v. City of Bos.*, 875 F. Supp. 891, 896 (D. Mass. 1995)
- *Bailey v. Wheeler*, 843 F.3d 473, 481 (11th Cir. 2016)
- *Neal v. Dekalb Cnty., Ga.*, No. 1:16-CV-184-WSD, 2016 WL 3476873, at *5 (N.D. Ga. June 27, 2016)
- *Elrod v. Burns*, 427 U.S. 347, 373 (1976)
- *KH Outdoor, LLC v. City of Trussville*, 465 F.3d 1256, 1261 (11th Cir. 2006)
- *Castle v. Appalachian Tech. Coll.*, 631 F.3d 1194, 1197 (11th Cir. 2011)
- *Pearson v. Callahan*, 555 U.S. 223, 231 (2009)
- *Merenda v. Tabor*, 506 F. App'x 862, 868 (11th Cir. 2013)
- *Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003)
- *McKinney v. Pate*, 20 F.3d 1550, 1555, 1557 (11th Cir. 1994)
- *Catron v. City of St. Petersburg*, 658 F.3d 1260, 1266-67 (11th Cir. 2011)
- *City of Chicago v. Morales*, 527 U.S. 41, 54 (1999)
- *Hague v. CIO*, 307 U.S. 496, 515 (1939)
- *McArdle v. City of Ocala*, 519 F. Supp. 3d 1045, 1054 (M.D. Fla. 2021)
- *McMahon v. City of Panama City Beach*, 180 F. Supp. 3d 1076, 1104 (N.D. Fla. 2016)
- *Stockstill v. City of Picayune*, No. 1:16CV4-LG-RHW, 2017 WL 3037431, at *2 (S.D. Miss. July 18, 2017)
- *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985)
- *Worthy v. City of Phenix City, Alabama*, 930 F.3d 1206, 1224 (11th Cir. 2019)
- *Rowe v. City of Fort Lauderdale*, 279 F.3d 1271, 1283-84 (11th Cir. 2002)
- *Pittman v. State Farm Fire & Cas. Co.*, 662 F. App'x 873, 880 (11th Cir. 2016)
- *Johnson v. Conway*, No. 1:13-CV-0524-RWS, 2013 WL 5493380, at *5 (N.D. Ga. Sept. 30, 2013)
- *Am. Fed'n of Lab. & Cong. of Indus. Orgs. v. City of Miami*, 637 F.3d 1178, 1192 (11th Cir. 2011)

