

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

William Gilbert v. Everglades Correctional Institution, et al.

Gilbert · No. 25-cv-25729-ALTMAN · Decided December 17, 2025

SUMMARY

The United States District Court for the Southern District of Florida dismisses William Gilbert’s prisoner civil-rights complaint without prejudice because it is an impermissible shotgun pleading and fails to comply with pleading requirements. The court grants leave to amend, denies the in forma pauperis motion as insufficient for lack of a certified six-month account statement, denies appointment of counsel as moot, and administratively closes the case subject to reopening if an amended complaint survives 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	December 17, 2025
DOCKET	25-cv-25729-ALTMAN
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 screened under 28 U.S.C. § 1915A. The court dismissed the complaint without prejudice as an impermissible shotgun pleading, denied the motion to proceed in forma pauperis as legally insufficient, denied appointment of counsel as moot, and granted leave to amend.
STANDARD OF REVIEW	Statutory prisoner-complaint screening under 28 U.S.C. § 1915A, including review for frivolousness, failure to state a claim, and claims against immune defendants; compliance review under the Federal Rules of Civil Procedure and local rules.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.
PARTIES	William Gilbert v. Everglades Correctional Institution, et al.

TOPICS

pleadings

civil procedure

prisoners rights

section 1983

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint complied with Federal Rules of Civil Procedure 8(a)(2) and 10(b), or instead constituted an impermissible shotgun pleading.
2. Whether the complaint should be dismissed without prejudice and Gilbert granted leave to amend.
3. Whether Gilbert's motion to proceed in forma pauperis was legally sufficient under 28 U.S.C. § 1915(a).
4. Whether the motion for appointment of counsel should be granted.

HOLDINGS

1. The complaint violated Federal Rules of Civil Procedure 8(a)(2) and 10(b) because it failed to separate distinct causes of action into separate counts, lumped multiple defendants together without specifying each defendant's alleged conduct, and presented facts in an unbroken paragraph rather than numbered paragraphs.
2. The complaint was dismissed without prejudice, and Gilbert was granted leave to file an amended complaint correcting the pleading defects.
3. The motion to proceed in forma pauperis was legally insufficient because Gilbert did not submit the required certified account statement for the six-month period preceding the filing of the complaint.
4. The motion for appointment of counsel was denied as moot.

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.”

“Gilbert’s Complaint falls under both the third and fourth types of shotgun pleadings because it doesn’t separate “into a different count each cause of action or claim for relief” and because he asserts “multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against.””

FACTUAL BACKGROUND

Gilbert, a state prisoner, alleged that correctional officers and the City of Miami violated his Eighth and Fourteenth Amendment rights after he was assigned kitchen work without proper work boots and boiling water splashed onto his left foot. He alleged that defendants required him to continue working for approximately two and one-half hours despite his injury. He later sought medical treatment for a burned and infected foot, which allegedly required two surgeries. The court relied on the complaint's failure to separate multiple deliberate-indifference theories into distinct counts and to identify which defendant was responsible for which conduct.

PROCEDURAL HISTORY

Gilbert filed a § 1983 complaint, a motion to proceed in forma pauperis, and a motion for appointment of counsel. After screening the complaint, the court determined that it failed to comply with Federal Rules of Civil Procedure 8(a)(2) and 10(b) because it combined multiple theories and defendants without adequate separation or attribution. The court dismissed without prejudice, gave Gilbert deadlines to file an amended complaint and a legally sufficient IFP motion, and administratively closed the case subject to reopening if the amended complaint survives screening.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Brutus v. International Equity Lifestyle Properties, Inc. v. Florida Mowing & Landscape Service, 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 Investments, Inc. v. County of Escambia, 132 F.3d 1359, 1369 (11th Cir. 1998)
- Weiland v. Palm Beach County Sheriff's Office, 792 F.3d 1313, 1320, 1322-23 (11th Cir. 2015)
- Embree v. Wyndham Worldwide Corp., 779 F. App'x 658, 662 (11th Cir. 2019)
- Raffone v. Quinn, 2025 WL 1124425, at *3 (S.D. Fla. Apr. 16, 2025)
- Ortiz v. Carnival Corp., 2020 WL 6945958, at *1 (S.D. Fla. Nov. 25, 2020)
- Anderson v. District Board of Trustees of Central Florida Community College, 77 F.3d 364, 366 (11th Cir. 1996)
- Popham v. Cobb County, 2009 WL 2425954, at *2 (N.D. Ga. Aug. 5, 2009)
- Miller v. EBS Security, Inc., 2020 WL 12188709, at *1 (N.D. Fla. Oct. 30, 2020)
- Woldeab v. DeKalb County Board of Education, 885 F.3d 1289, 1291 (11th Cir. 2018)
- Bank v. Pitt, 928 F.2d 1108, 1112 (11th Cir. 1991)
- LaCroix v. Western District of Kentucky, 627 F. App'x 816, 818 (11th Cir. 2015)
- Pringle v. Seminole County Public Schools, 2025 WL 20019, at *7 (M.D. Fla. Jan. 2, 2025)