

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

Matthew F. Ross v. Turquoise Bay Resort LLC and Robert Ryan
Knight

Ross · No. 2:25-cv-958-SPC-DNF · Decided February 24, 2026

SUMMARY

The United States District Court for the Middle District of Florida dismissed Matthew F. Ross’s Amended Complaint without prejudice because it remained an impermissible shotgun pleading. The court declined to grant further leave to amend, directed entry of judgment, denied pending motions as moot, and closed the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 24, 2026
DOCKET	2:25-cv-958-SPC-DNF
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court, acting sua sponte, reviewed Plaintiff's Amended Complaint and dismissed it without prejudice as an impermissible shotgun pleading. The court denied further leave to amend, directed entry of judgment, denied pending motions as moot, terminated deadlines, and closed the case.
STANDARD OF REVIEW	Sua sponte review of the sufficiency of the operative complaint under the Federal Rules of Civil Procedure and Eleventh Circuit pleading requirements.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

pleadings motions to dismiss civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Amended Complaint remained an impermissible shotgun pleading because its counts incorporated allegations from preceding counts.
2. Whether the court should grant Plaintiff another opportunity to amend after his failure to cure the previously identified pleading deficiencies.

HOLDINGS

1. The Amended Complaint was still a shotgun pleading because multiple counts incorporated allegations from preceding counts in violation of Eleventh Circuit pleading requirements.
2. The court declined to grant further leave to amend because Plaintiff had already been given an opportunity to correct the shotgun-pleading defects and had been warned that failure to comply could result in dismissal and closure of the action.

KEY QUOTATIONS

“Plaintiff must incorporate or separately allege under each count only the facts that are relevant to that count.” (Order at 1)

“It will not give him another bite at the apple.” (Order at 1)

FACTUAL BACKGROUND

Plaintiff's Amended Complaint contained three counts that incorporated allegations from preceding counts: count II incorporated paragraphs 18–20 from count I, and count III incorporated paragraphs 18–21 from count I and paragraphs 23–27 from count II. The court had previously dismissed Plaintiff's Supplemental Complaint as a shotgun pleading, instructed him to plead only count-specific facts, and warned that failure to comply could result in dismissal and closure of the action.

PROCEDURAL HISTORY

The court previously dismissed Plaintiff's Supplemental Complaint as a shotgun pleading and instructed him to incorporate or separately allege only facts relevant to each count. Plaintiff then filed an Amended Complaint that continued to incorporate allegations from preceding counts. Because Plaintiff had already received an opportunity to cure the pleading deficiencies and had been warned that noncompliance could result in dismissal and closure of the action, the court dismissed the Amended Complaint without prejudice without granting another opportunity to amend.

DISPOSITION

dismissed

CASES CITED

- Weiland v. Palm Beach County Sheriff's Office, 792 F.3d 1318, 1323 n.11 (11th Cir. 2015)
- Ambrosia Coal & Construction Co. v. Pagés Morales, 368 F.3d 1320, 1330 n.22 (11th Cir. 2004)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS DIVISION MATTHEW F. ROSS, Plaintiff, v. Case No.: 2:25-cv-958-SPC-DNF TURQUOISE BAY RESORT LLC and ROBERT RYAN KNIGHT, Defendants. ORDER This matter comes before the Court sua sponte after review of the Amended Complaint. (Doc. 14).

Because the operative complaint is still a shotgun pleading, the Court dismisses it without prejudice. But this time, for the reasons below, the Court will not grant leave to amend. On January 6, 2026, the Court dismissed Plaintiff Matthew F. Ross's Supplemental Complaint as a shotgun pleading because it "repeats and re- alleges each and every allegation contained above as if fully set forth herein." (Doc.

12 at 2). The Court explained that "Plaintiff must incorporate or separately allege under each count only the facts that are relevant to that count." (Id.). Nevertheless, Plaintiff's Amended Complaint is still a shotgun pleading. Specifically, count II incorporates paragraphs 18–20 from count I, and count III incorporates paragraphs 18-21 from count I and paragraphs 23-27 from count II.

(Doc. 14). The Eleventh Circuit prohibits such pleading practices. See *Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1318, 1323 n.11 (11th Cir. 2015) (citing *Ambrosia Coal & Constr. Co. v. Pagés Morales*, 368 F.3d 1320, 1330 n.22 (11th Cir. 2004) (finding a shotgun pleading where "[m]any [counts] adopt the material allegations of the preceding counts or paragraphs such that some counts appear to state more than one cause of action')).

The Court already gave Plaintiff a chance to fix his pleading deficiencies and warned him that failure to comply with its Order could result in the dismissal and closure of this action without further notice. (Doc. 12 at 2-3). It will not give him another bite at the apple.

Accordingly, it is ORDERED: (1)The Amended Complaint (Doc. 14) is DISMISSED without prejudice. (2) The Clerk is DIRECTED to enter judgment accordingly, deny all pending motions as moot, terminate any deadlines, and close the case. DONE and ORDERED in Fort Myers, Florida on February 24, 2026. UNITED STATES DISTRICT JUDGE Copies: All Parties of Record