

**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.

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