

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

Rafael Camacho, Jr. v. The School Board of Pinellas County, Florida

Camacho · No. 8:25-cv-03355-JLB-NHA · Decided February 6, 2026

SUMMARY

The United States District Court for the Middle District of Florida directs the pro se plaintiff to respond to the defendant’s motion to dismiss, particularly on exhaustion of administrative remedies under the Individuals with Disabilities Education Act. The court also advises that the plaintiff cannot represent his minor child pro se on most claims and must obtain counsel to pursue those claims. The court reserves ruling on the motion for preliminary injunction and indicates that dismissal for lack of subject-matter jurisdiction may be appropriate if exhaustion cannot be shown.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	John L. Badalamenti
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	February 6, 2026
DOCKET	8:25-cv-03355-JLB-NHA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an amended complaint asserting due process, disability-discrimination, municipal-liability, injunctive, and declaratory claims, together with a motion for a temporary restraining order and preliminary injunction. The court denied the temporary restraining order, reserved ruling on the preliminary-injunction motion, and ordered Plaintiff to respond to Defendant's motion to dismiss concerning subject-matter jurisdiction and exhaustion of administrative remedies.
PRECEDENTIAL VALUE	interlocutory district-court order; nonprecedential
PARTIES	Rafael Camacho, Jr. v. The School Board of Pinellas County, Florida

TOPICS

subject matter jurisdiction

injunctions

civil procedure

procedural due process

ada / disability

PRACTICE AREAS

civil procedure

education law

disability rights

constitutional law

injunctive relief

QUESTIONS PRESENTED

1. Whether a nonattorney parent may proceed pro se on behalf of a minor child on the asserted constitutional, municipal-liability, injunctive, and declaratory claims.
2. Whether the gravamen of the complaint invokes the Individuals with Disabilities Education Act such that exhaustion of administrative remedies is required before federal judicial review.
3. Whether the court should rule on the motion for preliminary injunction before resolving the asserted subject-matter-jurisdiction and exhaustion issues.

HOLDINGS

1. A nonattorney parent may not bring a pro se action on behalf of a minor child for the child's non-IDEA claims; Plaintiff was therefore required to obtain counsel to pursue Counts I, II, IV, and V.
2. When the gravamen of a complaint seeks redress for a school's failure to provide a free appropriate public education, the IDEA generally requires exhaustion of administrative remedies even if the claims are pleaded under different legal labels.

KEY QUOTATIONS

“parents who are not attorneys may not bring a pro se action on their child’s behalf.” (Order)

“when the gravamen of a complaint seeks redress for a school’s failure to provide a [free appropriate public education], even if not phrased or framed in precisely that way,” (Order)

“any other approach . . . would allow plaintiffs to evade the Act’s restrictions through artful pleading.” (Order)

FACTUAL BACKGROUND

The complaint challenges the adequacy of the individualized education plan for Plaintiff's minor son, R.J.C., particularly its alleged failure to prevent injury during seizures. Plaintiff alleged that the IEP placed R.J.C. at medical risk and deprived him of a meaningful education. The complaint asserted constitutional, disability-related, municipal-liability, injunctive, and declaratory claims, but did not allege exhaustion of IDEA administrative remedies.

PROCEDURAL HISTORY

Proceeding pro se, Rafael Camacho, Jr. filed suit on behalf of his minor son against the School Board of Pinellas County. The court denied temporary restraining relief but reserved the preliminary-injunction request. The School Board opposed preliminary injunctive relief and moved to dismiss, arguing that the claims arise under the Individuals with Disabilities Education Act and that administrative remedies had not been exhausted. The court

directed Plaintiff to respond by February 20, 2026, required counsel for non-IDEA claims by April 10, 2026, and reserved ruling on the preliminary-injunction motion.

DISPOSITION

other

CASES CITED

- Fry v. Napoleon Community Schools, 580 U.S. 154 (2017)
- Devine v. Indian River County School Board, 121 F.3d 576 (11th Cir. 1997)
- Winkelman ex rel. Winkelman v. Parma City School District, 550 U.S. 516 (2007)

OPINION

Rafael Camacho, Jr. v. The School Board of Pinellas County, Florida

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

RAFAEL CAMACHO, JR.,

Plaintiff, v. Case No: 8:25-cv-03355-JLB-NHA

THE SCHOOL BOARD OF

PINELLAS COUNTY, FLORIDA,

Defendant. /

ORDER

Proceeding pro se, Plaintiff Rafael Camacho, Jr. filed a Complaint bringing several claims against Defendant School Board of Pinellas County (“SBPC”) on behalf of his minor son, R.J.C, including: (I) a substantive due process violation pursuant to 42 U.S.C. § 1983; (II) a procedural due process violation pursuant to 42 U.S.C. § 1983; (III) a disability-based discrimination under Title II and Section 504;1 (IV) a municipal liability claim pursuant to 42 U.S.C. § 1983; and (V) for injunctive and declaratory relief. (Doc. 9). The same day, Plaintiff filed a Motion for Temporary Restraining Order and Preliminary Injunctive Relief (Doc. 10). The Court declined to issue a temporary restraining order but reserved ruling on the motion for preliminary injunction (Doc. 15). Before the Court now is SBPC’s Response in Opposition to Plaintiff’s Motion 1 The Court construes Plaintiff’s disability discrimination claim as a claim under Individuals with Disabilities Education Act (“IDEA”). (Doc. 16 at 1); see Fry v. Napoleon Cmty. Schs., 580 U.S. 154, 170–71 (2017) (“[T]he IDEA guarantees individually tailored educational services, while Title II and § 504 promise non-discriminatory access to public institutions.”). for Preliminary Injunction (Doc. 24) and Motion to Dismiss Plaintiff’s Complaint (Doc. 25). Defendant’s Response and Motion to Dismiss challenge whether Plaintiff’s Complaint is properly before this

Court. Accordingly, Plaintiff is DIRECTED to respond to Defendant's Motion to Dismiss on or before February 20, 2026. As a preliminary matter, the Court reminds Plaintiff that he cannot bring claims on behalf of his minor child without an attorney. (See Doc. 16 at 1–2); *Devine v. Indian River Cnty. Sch. Bd.*, 121 F.3d 576, 582 (11th Cir. 1997) (“[P]arents who are not attorneys may not bring a pro se action on their child’s behalf. . . .”), overruled in part on other grounds by *Winkelman ex rel. Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007). Though there is an exception allowing parents to represent a minor child pro se for IDEA claims, there is no such exception for Plaintiff’s remaining claims. (See Doc. 16 at 1–2) (citing *Winkelman*, 550 U.S. at 533). Thus, Plaintiff must obtain counsel on or before April 10, 2026, to pursue Counts I, II, IV, and V.2 (See *id.*). That said, upon careful review of the entire Complaint, the Court shares Defendant’s concern that it lacks subject-matter jurisdiction over Plaintiff’s claims. (See Doc. 25) (arguing that each of the claims is brought pursuant to IDEA and that 2 The Court strongly encourages Plaintiff to consider consulting a private attorney or, if he cannot afford a private attorney’s fees, a legal aid service, who might provide assistance for free. One legal aid service, for example, is the Bay Area Volunteer Legal Services. The Bay Area Volunteer Legal Services can be contacted at the following address: 1302 N. 19th St., Suite 400, Tampa, Florida 33605 and may be reached at (800) 625-2257. Plaintiff has failed to exhaust administrative remedies before bringing such claims to the Court). Indeed, the Amended Complaint does not allege exhaustion of administrative remedies. (See Doc. 9).3 The crux of the Amended Complaint is the alleged insufficiency of Defendant’s Individualized Education Plan (“IEP”) for R.J.C. to prevent injury during seizures, putting R.J.C. at medical risk and depriving him of a meaningful education. (See generally *id.*). “[W]hen the gravamen of a complaint seeks redress for a school’s failure to provide a [free appropriate public education], even if not phrased or framed in precisely that way,” it requires exhaustion of the administrative remedies under IDEA. *Fry*, 580 U.S. at 755. “[A]ny other approach . . . would allow plaintiffs to evade the Act’s restrictions through artful pleading.” *Id.* (citation omitted). —Rest of page intentionally left blank — 3 In layman’s terms, certain federal claims cannot be brought in federal court until the claimant’s issue/dispute is addressed at all levels of a governmental entity, like a public school board. Accordingly, Plaintiff is ORDERED to respond to Defendant’s Motion to Dismiss on or before February 20, 2026, addressing its argument on exhaustion of administrative remedies. If Plaintiff cannot demonstrate that the exhaustion requirement has been met, the Court is inclined to dismiss the Complaint for lack of subject-matter jurisdiction. Further, the Court recognizes that Plaintiffs Motion for Preliminary Injunction is currently pending and will reserve ruling on the motion until subject-matter jurisdiction is established. ORDERED in Tampa, Florida, on February 6, 2026.

JOHN L. BADALAMENTI

UNITED STATES DISTRICT JUDGE

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