

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

Latiesha Braxton v. Newrez LLC

Braxton v. Newrez LLC · No. 2:24-cv-234-JES-NPM · Decided February 20, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied Latiesha Braxton’s application to proceed without paying the filing fee. The court held that her third complaint failed to satisfy the Federal Rules of Civil Procedure, the plausibility standard, and the prohibition against shotgun pleadings, and therefore failed to state a nonfrivolous claim. The court ordered her to pay the filing fee by March 6, 2026, warning that failure to comply could result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Nicholas P. Le
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 20, 2026
DOCKET	2:24-cv-234-JES-NPM
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff sought in forma pauperis treatment and a waiver of the civil filing fee under 28 U.S.C. § 1915. The court denied the fee-waiver application after determining that the third amended complaint failed to state a nonfrivolous claim and violated federal pleading rules.
STANDARD OF REVIEW	The court liberally construed the pro se complaint but applied the ordinary pleading requirements under Federal Rules of Civil Procedure 8, 9, 10, and 11, including the requirement that the complaint contain sufficient factual matter to state a facially plausible claim. The fee-waiver determination was made under 28 U.S.C. § 1915(a) and (e)(2)(B).
PRECEDENTIAL VALUE	Unknown

TOPICS

pleadings

civil procedure

foreclosure

bankruptcy

PRACTICE AREAS

civil procedure

bankruptcy

real estate litigation

foreclosure

QUESTIONS PRESENTED

1. Whether Braxton was entitled to a waiver of the civil filing fee under 28 U.S.C. § 1915 when her complaint failed to state a nonfrivolous claim.
2. Whether the pro se complaint complied with the Federal Rules of Civil Procedure and the plausibility pleading standard.
3. Whether the complaint constituted an impermissible shotgun pleading.

HOLDINGS

1. A court may waive the filing fee for an indigent non-prisoner plaintiff only when the plaintiff adequately states a nonfrivolous claim for relief. Because Braxton's complaint failed to state such a claim, her fee-waiver application was denied.
2. A pro se litigant receives a liberal construction of the pleading, but is not exempt from the Federal Rules of Civil Procedure or the requirement to plead sufficient factual matter supporting a plausible claim.
3. A complaint that fails to separate claims, relies on conclusory and immaterial allegations, or does not specify which defendants are responsible for which acts may constitute an impermissible shotgun pleading and fail to satisfy the Federal Rules.

KEY QUOTATIONS

“But she is not entitled to any exemption from the basic rules of pleading.”

“It must present “more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.””

“Instead, “a complaint must contain sufficient factual matter” to state a facially plausible claim.”

“As neutral arbiters, we have no license to serve as de facto counsel for a party, or to rewrite an otherwise deficient pleading to sustain an action.”

FACTUAL BACKGROUND

The federal action concerned the same parties and subject matter as a Florida foreclosure proceeding in which Newrez obtained a final judgment in February 2023. Braxton filed for Chapter 13 bankruptcy to delay the foreclosure sale, but the bankruptcy court dismissed her case for failure to present an appropriate Chapter 13 plan. Shortly before the foreclosure sale, a state-court judge rejected Braxton's argument that the foreclosure was not being pursued by the rightful holder of the note. Braxton then recast similar arguments as federal claims in her third draft of the complaint.

PROCEDURAL HISTORY

Braxton filed a federal action concerning a prior state-court foreclosure proceeding and requested a waiver of the filing fee. The court had previously found that she financially qualified for the waiver, but reviewed whether the complaint adequately stated a nonfrivolous claim. The court denied the application and gave Braxton until March 6, 2026, to pay the filing fee, warning that failure to comply could result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- McNeil v. United States, 508 U.S. 106, 113 (1993)
- Loren v. Sasser, 309 F.3d 1296, 1304 (11th Cir. 2002)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Weiland v. Palm Beach County Sheriff's Office, 792 F.3d 1313, 1321-23 (11th Cir. 2015)
- Chavez v. Secretary, Florida Department of Corrections, 647 F.3d 1057, 1061 (11th Cir. 2011)
- Barmapov v. Amuial, 986 F.3d 1321, 1327-28 (11th Cir. 2021)
- Vega v. Kahle, No. 23-12065, 2025 WL 3540349, at *5 (11th Cir. Dec. 10, 2025)
- Newrez LLC v. Braxton, No. 22-CA-1090 (Fla. 20th Jud. Cir.)
- In re Latiesha Braxton, No. 2:23-bk-472-FMD (Bankr. M.D. Fla. Sept. 29, 2023)

OPINION

Latiesha Braxton v. Newrez LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

LATIESHA BRAXTON,

Plaintiff, v. 2:24-cv-234-JES-NPM

NEWREZ LLC,

Defendant.

ORDER

Generally, we are both required and authorized by law to collect a \$405 filing fee before a civil action may proceed. See 28 U.S.C. § 1914; District Court Miscellaneous Fee Schedule prescribed by the JUDICIAL CONFERENCE OF THE UNITED STATES (effective Dec. 1, 2023). We may—in our discretion—waive this fee when an indigent plaintiff, other than a prisoner, adequately states a nonfrivolous claim for relief. See 28 U.S.C. § 1915(a) and (e)(2)(B). Non-prisoner plaintiff

Latiesha Braxton requests such a waiver.¹ Braxton's request lacks merit, however, because she doesn't adequately state a nonfrivolous claim for relief. She is proceeding without counsel, so we give her complaint a liberal construction. But she is not entitled to any exemption from the basic rules of pleading. See *McNeil v. United States*, 508 U.S. 106, 113 (1993) ("we 1 We previously found that Braxton financially qualifies. (Doc. 12). If we later discover that her allegation of poverty is untrue, we will be required—even if she pays the filing fee—to dismiss her case. See 28 U.S.C. § 1915(e)(2)(A). have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel"); *Loren v. Sasser*, 309 F.3d 1296, 1304 (11th Cir. 2002) ("Despite construction leniency afforded pro se litigants, we nevertheless have required them to conform to procedural rules."). So, her complaint must still comply with Rules 8, 9, 10, and 11 of the Federal Rules of Civil Procedure, which, among other things, ensure that each defendant, and the court, are provided with fair notice of the specific claims—and grounds therefor—on which any remedy may rest. As such, her complaint may not run afoul of the prohibition against shotgun pleading.² It must present "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Instead, "a complaint must contain sufficient factual matter" to state a facially plausible claim. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). While an exhaustive exposition of alleged facts is not required, there 2 The Eleventh Circuit has "identified four rough types or categories of shotgun pleadings. The most common type—by a long shot—is a complaint containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint. The next most common type ... is a complaint ... replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action. The third type of shotgun pleading is one that commits the sin of not separating into a different count each cause of action or claim for relief. Fourth, and finally, there is the relatively rare sin of asserting 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." *Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1321–23 (11th Cir. 2015). must be "enough heft" to show that if the alleged facts are true, the pleader is entitled to relief. *Twombly*, 550 U.S. at 557. Falling short of this standard, Braxton does not cogently present sufficient facts and theories of recovery to move the liability needle from possible to plausible. Recall that this matter relates to a state-court foreclosure proceeding involving the same parties. See generally *Newrez LLC v. Braxton*, No. 22-CA-1090 (Fla. 20th Jud. Cir.). *Newrez* commenced that action in March 2022 and obtained a final judgment in its favor in February 2023. To delay a foreclosure sale, Braxton filed for bankruptcy. But for failing to present an appropriate Chapter 13 plan, the bankruptcy court dismissed her case. See *In re: Latiesha Braxton*, No. 2:23-bk-472-FMD (Bankr. M.D. Fla. Sept. 29, 2023). The state-court matter resumed, and the property was sold at a foreclosure sale the same day Braxton initiated this federal

action, March 13, 2024.³ Notably, just prior to the foreclosure sale, Braxton essentially made the same suggestion that she makes here: that the foreclosure action was not being pursued by the rightful holder of the note. But the state-court judge rejected her claims. See *Newrez LLC v. Braxton*, No. 22-CA-1090 (Fla. 20th Jud. Cir. Mar. 11, 2024). Braxton now tries to recast those arguments as federal claims. But her allegations are so disjointed and 3 As reflected by the state-court docket, the purchaser of the home had to obtain a writ of possession and have the Lee County Sheriff remove Braxton from the property. conclusory that it would not be just to require any of the defendants to incur the burden and expense of attempting to craft a response. As neutral arbiters, we have no license to serve as de facto counsel for a party, or to rewrite an otherwise deficient pleading to sustain an action. *Chavez v. Sec’y Fla. Dep’t of Corr.*, 647 F.3d 1057, 1061 (11th Cir. 2011) (“With a typically heavy caseload and always limited resources, a district court cannot be expected to do a petitioner’s work for [her].”). And by the same token, we will not act as adverse counsel and catalogue every flaw in a complaint. See *Barmapov v. Amual*, 986 F.3d 1321, 1327-28 (11th Cir. 2021) (“district courts have neither the manpower nor the time to sift through a morass of irrelevant facts”). Suffice it to say that Braxton’s most recent complaint—her third draft—does not comply with Rules 8(a), 10(b), and 11(a); does not comport with the *Iqbal-Twombly* pleading standard; and it is an impermissible shotgun pleading. Thus, it fails to state a claim and is frivolous. Accordingly, Braxton’s application for a fee waiver (Doc. 2) is DENIED. If she wishes to proceed with this action, she must pay the filing fee by March 6, 2026. Braxton should take note, however, that even if she pays the filing fee, we may—on our own initiative—dismiss the complaint as frivolous without notice or an opportunity to be heard. See *Vega v. Kahle*, No. 23-12065, 2025 WL 3540349, *5 (11th Cir. Dec. 10, 2025). And, if appropriate, we could order her to show cause why she should not be sanctioned under Rule 11(c)(3). A failure to fully comply with this order or timely seek relief from it may result in the dismissal of this action without prejudice and without further notice. ORDERED on February 20, 2026

NICHOLAS P. LE

United States Magistrate Judge _5-