

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANTHONY JAMES COKLEY,

Plaintiff,

v.

Case No.: 2:23-cv-465-SPC-NPM

DEREK SNIDER, ZACKARY
DITORO, OSCAR ESTRADA,
GARY HIRSCHY, JACOB
MARSHAL, MOSES FROST,
AARON ROLON, JERMAINE F.
SMART, JUSTIN GRANT,
ROBERT HOLLMEYER and JAKE
STEIDER,

Defendants.

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OPINION AND ORDER

Before the Court are three proposed amended complaints filed by plaintiff Anthony James Cokley (Docs. 63, 70, and 75) and a motion for leave to amend (Doc. 69). The defendants did not respond to Cokley's motion, so the Court treats it as unopposed. *See* M.D. Fla. 3.01(c). Cokley's latest amendment clarifies his claims against the defendants, names the three defendants previously identified as John Does, asserts new allegations against two defendants who were previously dismissed from this action, and adds claims against two previously unidentified officials who allegedly participated in the incident that prompted this action.

Courts should freely give leave to amend when justice so requires. *See* Fed. R. Civ. P. 15(a)(2). The Court finds the amendment will not unduly prejudice defendants, so it will grant Cokley’s motion. However, the amendment purports to sue all the defendants in both their individual and official capacities. In a prior order, the Court explained that Eleventh Amendment immunity bars Cokley from suing the defendants in their official capacities. (*See* Doc. 58). That remains true, so the Court dismisses Cokley’s reasserted official-capacity claims.

Accordingly, it is now

ORDERED:

Plaintiff Anthony Cokley’s motion for leave to amend (Doc. 69) is


GRANTED.

1. Cokley’s latest proposed amended complaint—constructively filed on December 30, 2024, and docketed as Doc. 75—is the operative pleading.
2. The defendants must respond to the amended complaint (Doc. 75) by **January 28, 2025.**
3. Also by **January 28, 2025**, defense counsel must either (1) file waivers of service on behalf of Aaron Rolon, James Smart, Justin

Grant, Robert Hollmeyer, and Jake Steider,¹ or (2) notify the Court in writing of any unserved defendants who do not elect to waiver service.

4. Cokley's official-capacity claims are **DISMISSED**.

DONE and **ORDERED** in Fort Myers, Florida on January 7, 2025.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record

¹ Wavier of service forms may be accessed here: <https://www.uscourts.gov/forms-rules/forms/waiver-service-summons>.