

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

LYLE CHAPMAN,

Plaintiff,

vs.

Case No. 3:23-cv-1257-MMH-JBT

WYETH PHARMACEUTICALS, INC.,
and ZYDUS PHARMACEUTICALS
USA, INC.,

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court sua sponte. Plaintiff initiated this action on October 23, 2023, by filing a six-count Complaint (Doc. 1). On October 26, 2023, the Court entered an Order (Doc. 10) striking the Complaint as an impermissible shotgun pleading. See Order at 1-3. The Court explained at length the relevant legal authority concerning shotgun pleadings and specifically identified how the Complaint violated that authority. Id. The Court directed Plaintiff to file a corrected complaint “consistent with the directives of this Order” Id. And, the Court cautioned Plaintiff that “failure to do so may result in a dismissal of this action.” Id.

On November 15, 2023, Plaintiff filed his corrected pleading (Doc. 11; Corrected Complaint). Upon review, the Court finds that the Corrected Complaint remains an impermissible shotgun pleading. See Corrected Complaint ¶¶ 87, 97, 103, 108. Indeed, Plaintiff has made no attempt to correct the shotgun pleading issues identified in the prior Order. As such, it appears Plaintiff's counsel did not read, much less adhere to, the directives in the Court's October 26, 2023 Order.¹ Because the Corrected Complaint remains an impermissible shotgun pleading, the Court finds that this case is due to be dismissed without prejudice. See See Vibe Micro, Inc. v. Shabanets, 878 F.3d 1291, 1296 (11th Cir. 2018) (finding that district court did not abuse its discretion in dismissing case when counsel failed to remedy his shotgun pleading issues after court explained the problems with the complaint and provided an opportunity to replead). Plaintiff, who is represented by counsel, "is not entitled to another chance to replead." See id. at 1296. Accordingly, it is

ORDERED:

1. This case is **DISMISSED without prejudice**.

¹ The Court also noted in the October 26, 2023 Order that the Complaint failed to comply with the typography requirements set forth in the Local Rules of the United States District Court for the Middle District of Florida (Local Rule(s)). See Order at 3 (citing Local Rule 1.08(a)-(b)). Remarkably, the Corrected Complaint remains noncompliant.

2. The Clerk of Court is directed to terminate all pending motions and deadlines as moot and close the file.

DONE AND ORDERED in Jacksonville, Florida, on November 17, 2023.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Parties