

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

JANICE B. KELLY,

Plaintiff,

vs.

Case No. 3:24-cv-990-MMH-SJH

AVA HILL, et al.,

Defendants.

\_\_\_\_\_ /

**ORDER**

**THIS CAUSE** is before the Court sua sponte. On September 25, 2024, Plaintiff Janice B. Kelly initiated this action pro se by filing a form Complaint for a Civil Case (Doc. 1; Complaint). On September 27, 2024, the Court entered an Order (Doc. 5) striking the Complaint for failure to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure (Rule(s)). In the Order, the Court explained some of the rules of pleading that apply in federal court and highlighted the problems with the Complaint as drafted. Specifically, the Court observed that Plaintiff identified several potential causes of action and submitted a list of allegations, but failed “to connect these allegations to her particular causes of action.” See Order at 3. The Court explained that “Plaintiff fail[ed] to use separate counts as required by Rule 10 such that the Court cannot discern which allegations support which claims.” Id. at 3-4. In addition, the

Court noted that “Plaintiff names several Defendants in the Complaint but fail[ed] to identify which claim pertains to which Defendant.” Id. at 4. As a result of these deficiencies, the Court instructed Plaintiff to file an amended complaint which “(1) use[s] numbered paragraphs and separate counts, (2) identif[ies] which claims are against which Defendants, and (3) describe[s] in sufficient detail the factual basis for each of the claims and how each Defendant is responsible.” Id. The Court cautioned Plaintiff that “failure to do so may result in the dismissal of this action.” Id.

On October 17, 2024, Plaintiff filed an Amended Complaint for a Civil Case (Doc. 6). Upon review of the Amended Complaint, the Court finds that Plaintiff has failed to comply with the directives of the Court’s September 27, 2024 Order. Despite the Court’s prior instructions, Plaintiff fails to set forth her claims in separate counts or identify which claims are against which Defendants. Notably, while Plaintiff identifies several federal laws, including the “Federal Common Law,” as the basis of federal question jurisdiction over this action, she fails to assert any claims under those laws in the Statement of Claims section of her Amended Complaint. See Amended Complaint at 3, 5, 6-8. Thus, even assuming she intends to bring claims under those laws, the Court cannot discern what those claims are, which allegations are offered in support of which claim, or which Defendant is purportedly responsible.

In light of the foregoing, the Court will strike the Amended Complaint for failure to comply with the Court's September 27, 2024 Order and the requirements of Rules 8 and 10. The Court will provide Plaintiff with one final opportunity to properly draft her pleadings. Plaintiff is cautioned that failure to comply with the requirements of the Court's Orders and the Federal Rules of Civil Procedure may result in the dismissal of this action without further notice. Accordingly, it is

**ORDERED:**

1. Plaintiff's Amended Complaint for a Civil Case (Doc. 6) is **STRICKEN**.
2. Plaintiff shall file a second amended complaint consistent with the directives of this Order on or before **November 12, 2024**. Failure to do so may result in a dismissal of this action.

**DONE AND ORDERED** in Jacksonville, Florida, on October 21, 2024.

  
**MARCIA MORALES HOWARD**  
United States District Judge

lc11  
Copies to:

Counsel of Record  
Pro Se Parties