

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

GLENN LEE SELDEN
Plaintiff,

v.

Case No. 8:24-cv-2808-KKM-TGW

PRESIDENT DONALD J. TRUMP
et al.,
Defendant.

_____ /

REPORT AND RECOMMENDATION

The plaintiff filed an affidavit of indigency pursuant to 28 U.S.C. 1915 (Doc. 2), seeking a waiver of the filing fee for his complaint (Doc. 1, see also Doc. 4).

Because the complaint is frivolous, I recommend that the plaintiff's complaint be dismissed.* Furthermore, because there is virtually no possibility that the complaint contains a cognizable claim against any of these defendants, I recommend that the complaint be denied with prejudice.

I.

Under 28 U.S.C. 1915(a)(1), the court may authorize the filing of a civil lawsuit without prepayment of fees if the plaintiff submits an affidavit that includes a statement of all assets showing an inability to pay

* Doc. 4, titled "Amendment to Petition," contains additional nonsensical material.

the filing fee and a statement of the nature of the action which shows that he is entitled to redress. Even if the plaintiff proves indigency, the case shall be dismissed if the action is frivolous or malicious, or fails to state a claim upon which relief may be granted. 28 U.S.C. 1915(e)(2)(B)(i), (ii).

Furthermore, although “allegations of a pro se complaint [are held] to less stringent standards than formal pleadings drafted by lawyers ... this leniency does not give a court license to serve as de facto counsel for a party, or to rewrite an otherwise deficient pleading in order to sustain an action.” Campbell v. Air Jamaica Ltd., 760 F.3d 1165, 1168-69 (11th Cir. 2014).

II.

The plaintiff’s complaint is an incomprehensible rambling document that goes far beyond asserting claims. Additionally, it contains delusional comments and false, scurrilous, and impertinent matter. It clearly violates multiple Federal Rules of Civil Procedure, including Rules 8, 10, 11, and 12(f). Therefore, it is appropriate to dismiss the complaint.

Furthermore, under these circumstances, an opportunity to amend the complaint is would be futile. Accordingly, I recommend that the complaint be dismissed with prejudice and the case closed. See Id., Withers

v. Bradshaw, No. 20-13845-D, 2021 WL 1525484 at *1 (11th Cir. Mar. 3, 2021) (denying the plaintiff's appeal of the district court's dismissal of a complaint for lack of standing); Foman v. Davis, 371 U.S. 178, 182 (1962) (identifying "futility" as a basis for denying leave to amend).

Moreover, due to the scurrilous and impertinent matter throughout the complaint, I recommend that the pleading be stricken from the court docket. See Rule 12(f), F. R. Civ. P.

Respectfully submitted,



THOMAS G. WILSON
UNITED STATES MAGISTRATE JUDGE

DATED: December 20, 2024

NOTICE TO PARTIES

The parties have fourteen days from the date they are served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. 636(b)(1)(C). Under 28 U.S.C. 636(b)(1), a party's failure to object to this report's proposed findings and recommendations waives that party's right to challenge on appeal the district court's order adopting this report's unobjected-to factual findings and legal conclusions.