

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GLENN LEE SELDEN,
Plaintiff,

v.

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

U.S. PRESIDENT DONALD TRUMP et al.,
Defendants.

ORDER

The United States Magistrate Judge recommends dismissal of Glenn Lee Selden's Amended Complaint without leave to amend. (Doc. 6). Selden did not object. Considering the record, I adopt the Report and Recommendation for the reasons stated therein.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

The Magistrate Judge recommends dismissal of the action based on the Magistrate Judge's conclusion that the action is frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i) ("Notwithstanding any filing fee, or any portion thereof, that

may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . is frivolous.”). “A claim is frivolous if it is without arguable merit either in law or fact.” *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001); see *Roberson v. Crawford*, 638 F. Supp. 3d 1354, 1357 (M.D. Fla. 2022) (“Section 1915(e)(2)(B)(i) dismissals should only be ordered when the legal theories are ‘indisputably meritless,’ or when the claims rely on factual allegations which are ‘clearly baseless.’” (first quoting *Neitzke v. Williams*, 490 U.S. 319, 327 (1989); then quoting *Denton v. Hernandez*, 504 U.S. 25, 32 (1992))). After reviewing the Magistrate Judge’s recommendation, I agree that Selden’s action is frivolous.

The Magistrate Judge also recommends that Selden’s complaint should be dismissed with prejudice and therefore without leave to amend. (Doc. 6) at 2. The Magistrate Judge notes that leave to amend would be futile because Selden’s amended complaint “contains delusional comments and false, scurrilous, and impertinent matter” and “[i]t clearly violates multiple Federal Rules of Civil Procedure, including Rules 8, 10, 11, and 12(f).” *Id.* After reviewing the Magistrate Judge’s recommendation, I agree that the complaint must be dismissed with prejudice.

Further, I also agree with the Magistrate Judge that Selden’s complaint should be stricken from the court docket. *Id.* at 3; see FED. R. CIV. P. 12(f). Selden’s original complaint, (Doc. 1), and his “Notice of Inquirery”, (Doc. 7), should also be stricken under Federal Rule 12(f). Both contain voluminous amounts of “redundant, immaterial, impertinent, or scandalous matter,” Federal Rule 12(f), including an unrelated death certificate, (Doc. 1-7) at 9, Selden’s birth certificate

and social security number, (Doc. 7) at 20, and a State of Florida Department of Education vocational certificate of competency, *id.* at 21.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 6) is **ADOPTED** and made a part of this Order for all purposes.
2. The Amended Complaint (Doc. 4) is **DISMISSED with prejudice**.
3. The Clerk is directed to **STRIKE** Plaintiff's original complaint (Doc. 1), Amended Complaint, (Doc. 4), and "Notice of Inquiry" (Doc. 7) from the docket.
4. The Clerk is directed to enter judgment, which shall read "This case is dismissed with prejudice."
5. The Clerk is directed to **CLOSE** this case and mail Selden a copy of this Order.

ORDERED in Tampa, Florida, on January 7, 2025.


Kathryn Kimball Mizelle
United States District Judge