

MOTREF,PAW

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:16-cv-24214-DLG**

Floyd v. City of Miami Beach et al  
Assigned to: Judge Donald L. Graham  
Referred to: Magistrate Judge Patrick A. White  
Case in other court: 17-12741-G  
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 10/04/2016  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff****Contrell Leo Floyd**represented by **Contrell Leo Floyd**

05703-104  
Coleman I-USP  
United States Penitentiary  
Inmate Mail/Parcels  
Post Office Box 1033  
Coleman, FL 33521  
PRO SE

V.

**Defendant**

**City of Miami Beach**  
*Miami Beach City Hall*


**Defendant**

**K. Espada**  
*Miami Beach Police Officer*

**Defendant**

**Orisme**  
*Miami Beach Police Officer*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/11/2018	<a href="#">48</a>	ORDER REFERRING CASE to Volunteer Attorney Program Signed by Senior Judge Donald L. Graham on 12/11/2018. <i>See attached document for full details.</i> (jao) (Entered: 12/11/2018)
12/06/2018	<a href="#">47</a>	ORDER STRIKING <a href="#">46</a> Plaintiff's Second Amended Complaint filed by Contrell Leo Floyd. Signed by Magistrate Judge Patrick A. White on 12/6/2018. <i>See attached document for full details.</i> (fbn) (Entered: 12/06/2018)
11/19/2018	<a href="#">46</a>	<b>STRICKEN</b> PER DE# <a href="#">47</a> 42 U.S.C. 1983 Second AMENDED CIVIL RIGHTS COMPLAINT against City of Miami Beach, K. Espada, Orisme, filed by Contrell

		Leo Floyd.(drz) Modified on 12/6/2018 (fbn). (Entered: 11/19/2018)
10/25/2018	 <a href="#">45</a>	MODIFIED REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">37</a> Amended Complaint filed by Contrell Leo Floyd; Recommending that: (1) The Fourth Amendment Claim against Officer Orisme in his individual capacity, PROCEED; (2) The Fourth Amendment Claim against Officer Orisme in his official capacity, be DISMISSED; (3) The Fourth Amendment Claim against Officer Espada in his individual capacity, PROCEED; (4) The Fourth Amendment Claim against Officer Espada in his official capacity, be DISMISSED; (5) The Malicious Prosecution Claim against all defendants, in their individual and official capacities, be DISMISSED; (6) The Failure to Train, Supervise, Audit, and Discipline Claim against the City be DISMISSED WITHOUT PREJUDICE; (7) The Motion for Declaratory Relief be DENIED. Objections to R&R due by 11/8/2018. Signed by Magistrate Judge Patrick A. White on 10/25/2018. <i>See attached document for full details.</i> (fbn) (Entered: 10/25/2018)
10/22/2018	44	PAPERLESS ORDER withdrawing <a href="#">40</a> Report and Recommendations. A modified Report will soon follow. Signed by Magistrate Judge Patrick A. White (bmz) (Entered: 10/22/2018)
10/15/2018	<a href="#">43</a>	OBJECTIONS to <a href="#">40</a> Report and Recommendations by Contrell Leo Floyd. (dj) (Entered: 10/16/2018)
10/12/2018	<a href="#">42</a>	ORDER granting <a href="#">41</a> Plaintiff's Motion for Extension of Time to File Objections to Magistrate Judge's Report and Amended Compliant filed by Contrell Leo Floyd. Plaintiff shall his objections, if any, on or before 10/31/2018 Signed by Senior Judge Donald L. Graham on 10/12/2018. <i>See attached document for full details.</i> (jc) (Entered: 10/12/2018)
10/04/2018	<a href="#">41</a>	MOTION for Extension of Time to File an Objection to Magistrate Judge's Report and Recommendation on Amended Complaint re <a href="#">40</a> REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">37</a> Amended Complaint filed by Contrell Leo Floyd by Contrell Leo Floyd. (drz) Modified on 10/5/2018 (drz). (Entered: 10/05/2018)
09/24/2018	<a href="#">40</a>	REPORT AND RECOMMENDATIONS RE: AMENDED COMPLAINT on 42 USC 1983 case re <a href="#">37</a> Amended Complaint filed by Contrell Leo Floyd. Objections to R&R due by 10/9/2018. Signed by Magistrate Judge Patrick A. White on 9/24/2018. <i>See attached document for full details.</i> (fbn) (Entered: 09/24/2018)
09/18/2018	<a href="#">39</a>	NOTICE of Inquiry by Contrell Leo Floyd (Copy of Docket Sheet mailed) (mc) (Entered: 09/18/2018)
08/02/2018	<a href="#">37</a>	AMENDED 42 U.S.C. 1983 Civil Rights COMPLAINT against City of Miami Beach, K. Espada, Orisme, filed by Contrell Leo Floyd.(drz) (Entered: 08/02/2018)
07/24/2018	36	PAPERLESS ORDER granting <a href="#">35</a> Motion for Extension of Time to Amend the Complaint. Plaintiff asks for thirty days. To prevent further delays or any future requests for extensions of time, this Court afforded additional days beyond Plaintiff's request. Accordingly, on or before August 31, 2018, the amended complaint is due. Absent extraordinary circumstances, no further extensions will be granted without corroborating evidence to justify the delay. Limited access to the law library or prison law clerks will not justify as a circumstance that is

		extraordinary in nature. Plaintiff is advised that this Court will utilize the prison mailbox rule in assessing whether his Amended Complaint is timely filed. Signed by Magistrate Judge Patrick A. White (bmz) (Entered: 07/24/2018)
07/24/2018	<a href="#">35</a>	MOTION for Extension of Time to Amend Complaint <a href="#">1</a> Complaint 42 USC 1983 or Bivens by Contrell Leo Floyd. Responses due by 8/7/2018 (drz) (Entered: 07/24/2018)
06/25/2018	34	PAPERLESS ORDER granting <a href="#">33</a> Motion for Extension of Time to Amend the Complaint. Accordingly, the amended complaint must be filed on or before July 25, 2018. Signed by Magistrate Judge Patrick A. White (bmz) (Entered: 06/25/2018)
06/25/2018	<a href="#">33</a>	MOTION for Extension of Time to Amend Complaint <a href="#">1</a> Complaint 42 USC 1983 or Bivens by Contrell Leo Floyd. Responses due by 7/9/2018 (drz) (Entered: 06/25/2018)
05/21/2018	<a href="#">32</a>	ORDER REQUIRING AMENDED COMPLAINT on or before June 29, 2018, the plaintiff shall file an amended complaint in this case. ( Amended Complaint due by 6/29/2018 ) Signed by Magistrate Judge Patrick A. White on 5/21/2018. (Attachments: # <a href="#">1</a> 1983 Complaint Form) (fbn) (Entered: 05/21/2018)
05/18/2018	38	CASE REFERRED to Magistrate Judge Patrick A. White. (vjk) (Entered: 08/14/2018)
05/18/2018		Case Reopened (dgj) (Entered: 05/21/2018)
05/18/2018	<a href="#">31</a>	MANDATE of USCA (certified copy). VACATED AND REMANDED. We vacate the dismissal of Floyd's complaint with prejudice and we remand for further proceedings consistent with this opinion re <a href="#">15</a> Notice of Appeal, filed by Contrell Leo Floyd; Date Issued: 5/18/2018; USCA Case Number: 17-12741-GG. (apz) (Entered: 05/18/2018)
01/17/2018	<a href="#">30</a>	Clerks Notice of Receipt of Partial Filing Fee received on 1/17/2018 in the amount of \$ 9.86, receipt number FLS100157358. (vt) (Entered: 01/17/2018)
12/18/2017	<a href="#">29</a>	Clerks Notice of Receipt of Partial Filing Fee received on 12/18/2017 in the amount of \$ 1.55, receipt number FLS100155715. (vt) (Entered: 12/18/2017)
11/30/2017	28	Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Southern District of Florida certifies that the record is complete for purposes of this appeal re: <a href="#">15</a> Notice of Appeal, Appeal No. 17-12741-GG. The entire record on appeal is available electronically. (apz) (Entered: 11/30/2017)
11/14/2017	<a href="#">27</a>	Clerks Notice of Receipt of Partial Filing Fee received on 11/14/2017 in the amount of \$ 29.46, receipt number FLS100154078 (vt) (Entered: 11/14/2017)
10/13/2017	<a href="#">26</a>	Clerks Notice of Receipt of Partial Filing Fee received on 10/13/2017 in the amount of \$ 70.89, receipt number FLS100152340 (vt) (Entered: 10/13/2017)
09/26/2017	<a href="#">25</a>	Clerks Notice of Receipt of Partial Filing Fee received on 9/26/2017 in the amount of \$ 65.40, receipt number FLS100150935 (kpe) (Entered: 09/26/2017)
09/19/2017	<a href="#">24</a>	ORDER Adopting <a href="#">23</a> Report and Recommendations on <a href="#">21</a> Motion for Leave to Appeal in forma pauperis filed by Contrell Leo Floyd, granting <a href="#">21</a> MOTION for Leave to Appeal in forma pauperis filed by Contrell Leo Floyd. Signed by Senior

		Judge Donald L. Graham on 9/18/2017. (pes) (Entered: 09/19/2017)
08/31/2017	<a href="#">23</a>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">21</a> MOTION for Leave to Appeal in forma pauperis filed by Contrell Leo Floyd; Recommending that Plaintiffs Motion for Leave to Appeal in forma pauperis [DE#21] be GRANTED, and that Plaintiff be required to consent to the payment of the \$505.00 appellate filing fee as provided by § 1915(b) by filing the required Consent Form with the United States Court of Appeals for the Eleventh Circuit, a copy of which is being mailed to Plaintiff together with this report. Objections to R&R due by 9/14/2017. Signed by Magistrate Judge Patrick A. White on 8/31/2017. (Attachments: # <a href="#">1</a> 11th Circuit Appellate Fee Authorization Form) (fbn) (Entered: 08/31/2017)
08/25/2017	<a href="#">22</a>	ORDER REFERRING <a href="#">21</a> MOTION for Leave to Appeal in forma pauperis filed by Contrell Leo Floyd. Motion referred to Judge Patrick A. White to take all necessary and proper action as required by law. Signed by Senior Judge Donald L. Graham on 8/24/2017. (pes) (Entered: 08/25/2017)
08/08/2017	<a href="#">20</a>	Clerks Notice of Receipt of Partial Filing Fee received on 8/8/2017 in the amount of \$ 47.51, receipt number FLS100148680 (vt) (Entered: 08/08/2017)
08/07/2017	<a href="#">21</a>	MOTION for Leave to Appeal in forma pauperis by Contrell Leo Floyd. (apz) (Entered: 08/08/2017)
07/11/2017	<a href="#">19</a>	Clerks Notice of Receipt of Partial Filing Fee received on 7/11/2017 in the amount of \$ 41.08, receipt number FLS100147057 (vt) (Entered: 07/11/2017)
06/23/2017	<a href="#">18</a>	TRANSCRIPT INFORMATION FORM by Contrell Leo Floyd re <a href="#">15</a> Notice of Appeal,. No Transcript Requested. (hh) (Entered: 06/26/2017)
06/21/2017	<a href="#">17</a>	Acknowledgment of Receipt of NOA from USCA re <a href="#">15</a> Notice of Appeal, filed by Contrell Leo Floyd. Date received by USCA: 6/14/17. USCA Case Number: 17-12741-G. (hh) (Entered: 06/22/2017)
06/21/2017	<a href="#">16</a>	Clerks Notice of Receipt of Partial Filing Fee received on 6/20/2017 in the amount of \$ 25.20, receipt number FLS100145809 (vt) (Entered: 06/21/2017)
06/14/2017		Transmission of Notice of Appeal, Order under appeal and Docket Sheet to US Court of Appeals re <a href="#">15</a> Notice of Appeal, Notice has been electronically mailed. (apz) (Entered: 06/14/2017)
06/14/2017	<a href="#">15</a>	Notice of Appeal as to <a href="#">12</a> Order on Report and Recommendations, by Contrell Leo Floyd. FILING FEE: (NOT PAID). Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (apz) (Entered: 06/14/2017)
06/09/2017	<a href="#">14</a>	OBJECTIONS to <a href="#">10</a> Report and Recommendations by Contrell Leo Floyd. (pes) (Entered: 06/09/2017)
06/02/2017	13	Case No Longer Referred to Magistrate Judge Patrick A. White/Case Closed by the District Judge. Signed by Magistrate Judge Patrick A. White on 6/2/2017. (br) (Entered: 06/02/2017)

05/31/2017	<a href="#">12</a>	ORDER Adopting <a href="#">10</a> Report and Recommendations. Closing Case. Signed by Senior Judge Donald L. Graham on 5/31/2017. (pes)  <b>NOTICE: If there are sealed documents in this case, they may be unsealed after 1 year or as directed by Court Order, unless they have been designated to be permanently sealed. See Local Rule 5.4 and Administrative Order 2014-69.</b> (Entered: 06/01/2017)
05/16/2017	<a href="#">11</a>	Clerks Notice of Receipt of Partial Filing Fee received on 5/16/2017 in the amount of \$ 59.05, receipt number FLS100143505 (vt) (Entered: 05/16/2017)
05/01/2017	<a href="#">10</a>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">1</a> Complaint 42 USC 1983 or Bivens filed by Contrell Leo Floyd; Recommending that the complaint (DE#1) be dismissed in its entirety, pursuant to 28 U.S.C. §1915(e)(2)(b)(ii), for failure to state a claim upon which relief can be granted, and that this case be closed. Objections to R&R due by 5/15/2017. Signed by Magistrate Judge Patrick A. White on 5/1/2017. (br) (Entered: 05/01/2017)
04/28/2017	<a href="#">9</a>	NOTICE of Inquiry by Contrell Leo Floyd (Docket Sheet sent) (mc) (Entered: 05/01/2017)
04/07/2017	<a href="#">8</a>	NOTICE of Change of Address by Contrell Leo Floyd (pes)[Address Updated] (Entered: 04/07/2017)
03/16/2017	<a href="#">7</a>	NOTICE of Inquiry by Contrell Leo Floyd (pes) [Docket Sheet Sent] (Entered: 03/17/2017)
02/17/2017	<a href="#">6</a>	NOTICE of Inquiry by Contrell Leo Floyd (pes) [Docket sheet sent] (Entered: 02/17/2017)
10/17/2016	<a href="#">5</a>	ORDER granting <a href="#">4</a> Motion for Leave to Proceed in forma pauperis. Plaintiff to Proceed without Prepayment of Filing Fee but Establishing Debt to Clerk of \$350.00. Granting to the extent that the plaintiff need not prepay even a partial filing fee in this case, or to prepay costs such as for service of process. <b>USM Service NOT Ordered.</b> Signed by Magistrate Judge Patrick A. White on 10/17/2016. (tw) (Entered: 10/17/2016)
10/04/2016	<a href="#">4</a>	MOTION for Leave to Proceed in forma pauperis by Contrell Leo Floyd. (drz) (Entered: 10/04/2016)
10/04/2016	3	Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Patrick A. White. Pursuant to Administrative Order 2003-19 for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (drz) (Entered: 10/04/2016)
10/04/2016	2	Judge Assignment to Judge Donald L. Graham (drz) (Entered: 10/04/2016)
10/04/2016	<a href="#">1</a>	Complaint pursuant to 42 USC 1983 against City of Miami Beach, K. Espada, Orisme. Filing fee \$ 350.00. IFP Filed, filed by Contrell Leo Floyd.(drz) (Entered: 10/04/2016)