IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JASON BAEZ
Plaintiff,

v.

RICKY DIXON, in his official capacity as Secretary of the Florida Department of Corrections,

Defendant.

Case No. 4:25-cv-00216-MW-MAF

PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

Jason Baez successfully sued the Florida Department of Corrections (FDC) under 42 U.S.C. §1983 after officers brutally beat him and medical staff denied him necessary treatment—conduct that cost him his right eye—resulting in a damages settlement. Section 1983 provides a compensatory remedy for individuals harmed by constitutional violations, and serves as a deterrent to state actors, like those who beat and failed to treat Mr. Baez, from unconstitutional conduct. Defendant's imposition of a $547,850 cost of incarceration lien against Mr. Baez under Fla. Stat.§ 960.292 effectively nullifies both the compensatory and deterrent purposes of Section 1983 and is thus preempted. Plaintiff has stated a claim for relief warranting judicial review and exhausted administrative remedies. Defendant is not entitled to sovereign immunity, and *Younger* abstention does not apply. The Court should deny Defendant's motion to dismiss.

SUMMARY OF KEY ALLEGATIONS

In June 2019, Plaintiff Baez sustained serious injuries when officers used force against him. ECF 12, ¶ 13. He filed a § 1983 suit against then-FDC Secretary Mark Inch, four correctional officers, and three medical professionals, alleging excessive force—including being struck in the eye with a walkie-talkie—and deliberate indifference to his serious medical needs, resulting in the loss of his right eye. ECF 12, ¶ 13.

Plaintiff Baez settled his claim against the correctional officers for $60,000 on September 28, 2021. By August 2, 2022, Plaintiff Baez had settled all remaining claims, and the federal district court dismissed and closed his case.[1] ECF 12, ¶¶ 14-15.

In July 2024, Defendant filed a motion to impose a civil restitution lien in the state criminal court that sentenced Mr. Baez in 2006, seeking liquidated damages in the amount of $50 per day for each day of his 30-year sentence, totaling $547,850. ECF 12, ¶ 17. The trial court granted the motion the same day. ECF 12, ¶ 17. Mr. Baez objected pro se, and counsel filed a Motion for Rehearing raising several constitutional claims. ECF 12, ¶ 18. Following a hearing, the sentencing court orally denied Plaintiff Baez's motion. ECF 12, ¶ 19. Prior to the entry of a written order—and without providing Plaintiff any notice or complying with the state's procedures for executing a civil judgment lien—Defendant seized all of Plaintiff's remaining settlement funds by zeroing out his account.

[1] Some of Plaintiff Baez's claims were settled under a confidential settlement agreement. The parties continue to meet and confer about how to facilitate the disclosure and use of relevant information within that settlement agreement. ECF 26, ¶ 2. Defendant's motion incorrectly asserts that all parties settled in September 2021 for $60,000. ECF 19 at 2.

ECF 12, ¶ 20. The sentencing court signed the Department's proposed order two days later on February 14, 2025. ECF 12, ¶ 21.

Plaintiff contends that Defendant has frustrated both the compensatory and deterrent purposes of § 1983 by imposing a lien that ensures he receives nothing for the serious constitutional violations he suffered while allowing the actors who caused that harm to reap a windfall. ECF 12, ¶¶ 29-30. Plaintiff seeks a declaration that the imposition and enforcement of the lien are preempted by federal law under the Supremacy Clause, Article VI, Clause 2, of the United States Constitution, and corresponding injunctive relief.[2] ECF 12, ¶ 33.

LEGAL STANDARD

A complaint survives Rule 12(b)(6) scrutiny if it contains factual allegations that on their face "raise a right to relief above the speculative level." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Further, a court must "accept as true the facts as set forth in the complaint and draw all reasonable inferences in the plaintiff's favor." *West v. Warden*, 869 F.3d 1289, 1296 (11th Cir. 2017) (quoting *Randall v. Scott*, 610 F.3d 701, 705 (11th Cir. 2010)). Even where a court thinks it is improbable that a plaintiff will prove the facts alleged and that "recovery is very remote and unlikely," a well-pleaded complaint may still proceed. *Bell Atl. Corp.*, 550 U.S. at 556 (internal citation omitted).

ARGUMENT

I. Plaintiff Has Exhausted Administrative Remedies.

[2] Contrary to Defendant's assertion, Plaintiff is not asking the Court to declare the statute authorizing the lien unconstitutional. ECF 19 at 20.

Plaintiff has exhausted his administrative remedies and sufficiently pleaded as much. Defendant's arguments to the contrary not only attempt to heighten Plaintiff's pleading requirement but also ask this Court to read into the Prison Litigation Reform Act (PLRA) a prerequisite that is unsupported by the law.

First, Defendant contends that by challenging the constitutionality of Fla. Stat. § 960.29 as applied to him, Plaintiff seeks to repeal Fla. Admin. Code 33-203.201(10). ECF 19 at 7-8. Thus, according to Defendant, Plaintiff failed to exhaust by not filing a petition to initiate rulemaking. *Id.*

To start, this fundamentally misunderstands Plaintiff's claim, which alleges only that the *imposition* of the lien *against him* is preempted by the Supremacy Clause. ECF 12, ¶¶ 29-31. Fla. Admin. Code 33-203.201(10), by contrast, provides that FDC can offset "[a]ny cost judgment or other monetary judgment, order or sanction imposed against an inmate," with funds from the incarcerated person's trust account. Without conceding whether that provision applies to or authorizes the *collection* of the lien, that issue is not before this Court. But even if that regulation were relevant here, Plaintiff does not seek to challenge or repeal it. ECF 12, ¶ 33. Instead, the Amended Complaint makes clear that Plaintiff challenges only the unconstitutional imposition of a cost of incarceration lien against him by the FDC—a claim that requires no change to its rules. *Id.* So, Plaintiff is "not required to file a petition to initiate rulemaking." *See Evans v. Dixon*, Case No. 8:24-cv-195-WFJ-LSG, 2024 WL 4504157, *2-3 (M.D. Fla. Oct. 16, 2024) (holding PLRA exhaustion does not require submitting a petition to initiate

rulemaking when seeking only an exemption to a policy) (citing *Cook v. Jones*, No. 3:16-cv-568-TKW-EMT, 2019 WL 6868982, at *3 (N.D. Fla. Nov. 22, 2019)).

Also, Defendant does not contend that Plaintiff failed to complete the grievance process. Rather, Defendant misapplies *Wells v. Brown*, 58 F.4th 1347, 1357 (11th Cir. 2023) to challenge only the sufficiency of Plaintiff's allegations of exhaustion. ECF No. 19 at 8. There, the Eleventh Circuit reiterated that the failure to exhaust is an affirmative defense, and "like any other affirmative defense, that doesn't mean that plaintiffs are 'required to specially plead or demonstrate exhaustion in their complaints.'" *Id.* at 1357 (quoting *Jones v. Bock*, 549 U.S. 199, 216 (2007)). Instead, the Court explained, dismissal on those grounds is appropriate only where "the plaintiff's failure to exhaust appears on the face of the complaint." *Id.* Here, other than manufacturing a baseless pleading burden for Plaintiff, Defendant points to nothing in the Complaint that shows he failed to exhaust.

In evaluating exhaustion at the motion to dismiss stage, *Turner v. Burnside*, 541 F.3d 1077, 1082 (11th Cir. 2008) sets forth the appropriate two-step analysis. First, the court compares the Plaintiff's factual allegations to those in the Defendant's Motion to Dismiss. *Id.* If they conflict, the Court must take the Plaintiff's version as true. *Id.* "If, in that light, the defendant is entitled to have the complaint dismissed for failure to exhaust administrative remedies, it must be dismissed." *Id.*

Though unnecessary, Plaintiff alleged that he exhausted all available administrative remedies regarding the civil restitution lien imposed against him. ECF 12, at ¶ 9. While disputing the sufficiency of the allegation, Defendant does not actually

claim Plaintiff failed to exhaust. ECF 19 at 7- 8. Even assuming Defendant had made such an allegation, taking Plaintiff's version as true, dismissal is not warranted.

Proceeding to *Turner*'s second step, the court may resolve disputed factual issues through specific findings, with Defendant bearing the burden of proving failure to exhaust. *Turner*, 541 F.3d at 1082. Defendant, having offered no proof, has failed to meet that burden. The Court should therefore deny the motion to dismiss.

II. This Court Has Subject Matter Jurisdiction

A. Plaintiff's Claim is Permitted Under the Eleventh Amendment

Defendant's claim that the Eleventh Amendment precludes Plaintiff's request to declare the lien invalid and unenforceable is meritless. The Eleventh Amendment, under the *Ex parte Young*[3] exception to sovereign immunity, permits a suit against state officials that alleges 1) "an ongoing violation of federal law" and 2) "seeks relief properly characterized as prospective." *Maron v. Chief Fin. Officer of Fla*.,136 F.4th 1322, 1333 (11th Cir. 2025) (citing *Verizon Maryland, Inc. v. Pub. Serv. Comm'n of Maryland*, 535 U.S. 635, 645 (2002)). Defendant attacks only the declaratory relief as purportedly retrospective, arguing it would invalidate a lien that was already entered. ECF 19 at 9-10. Thus, Defendant concedes that the injunctive relief prohibiting future enforcement and ensuring Plaintiff is later compensated is prospective, and therefore proper. In fact, Plaintiff's claims for both declaratory and injunctive relief should proceed under the *Ex parte Young* exception for the following reasons:

[3] *Ex parte Young*, 209 U.S. 123 (1908).

First, Plaintiff sufficiently alleges that Defendant's violation of federal law is ongoing because Defendant took his settlement funds to satisfy a portion of a $547,850 lien and continues to enforce it[4] until Plaintiff pays in full—allowing Defendant to continue frustrating § 1983's compensatory and deterrent effects by confiscating any future deposits to his inmate trust account. ECF 12, ¶¶ 22-24; *see Maron*, 136 F.4th at 1333-34) (finding "an ongoing violation of federal law" when the State appropriated earnings from unclaimed property and committed the "ongoing tort" of refusing to provide just compensation); *see also Summit Med. Assocs., P.C. v. Pryor*, 180 F.3d 1326, 1338 (11th Cir. 1999) ("[W]here there is a threat of future enforcement that may be remedied by prospective relief, the ongoing and continuous requirement has been satisfied.").

Second, Plaintiff's requested relief is prospective because, in practical effect, it would only prohibit Defendant from confiscating additional money to satisfy the unpaid lien amount and ensure Plaintiff has access to the total amount of his § 1983 settlement funds in response to a future state court claim. ECF 12, ¶ 33; *see Maron*, 136 F.4th at 1334 (holding that an order declaring a violation of the Takings Clause and requiring compensation in response to a future, separate claim is prospective relief). Defendant provides no authority that demonstrates such relief is retrospective. ECF 19 at 10 (citing *Nicholl v. Att'y Gen. Georgia*, 769 F. App'x 813, 815–16 (11th Cir. 2019)) (affirming that sovereign immunity bars an order to invalidate and change a grade for a completed

[4] Indeed, Defendant acknowledges that the Department continues to retain a hold on Plaintiff's account for the balance of the cost of incarceration lien. ECF 19 at 3.

college course because it was a "one-time past event"); *CSX Transp., Inc. v. Georgia Pub. Serv. Comm'n*, 944 F. Supp. 1573, 1580 (N.D. Ga. 1996) (holding *Ex parte Young* permits a challenge to state officials' denial of plaintiffs' previous application to modify railroad services and the threat of future application denials).

Third, Defendant's atomization of the declaratory relief from the (undisputed prospective) injunctive relief is unworkable. Under his logic, courts may never issue declaratory relief against any state official's conduct, even if ongoing, that began in the past. But that would also prohibit plaintiffs from bringing *any* claims against state officials because, under the doctrine of ripeness, courts may not adjudicate claims resting "upon contingent future events that may not occur as anticipated, or indeed may not occur at all." *See United States v. Rivera*, 613 F.3d 1046, 1050 (11th Cir. 2010) (quoting *Texas v. United States*, 523 U.S. 296, 300 (1998)) (declining jurisdiction as unripe when a receiver had not yet ordered the plaintiff to pay a specific amount or any fee at all). Defendant's attempt to "render *Ex parte Young* a nullity," leaving plaintiffs no opportunity to remedy state officials' unconstitutional conduct, should be rejected. *See Pryor*, 180 F.3d at 1339 (finding sovereign immunity is improper when "as a practical matter" plaintiffs may never be able to bring suit).

B. *Younger* Abstention Does Not Apply Here.

1. The federal case does not overlap with an applicable state proceeding.

Defendant's attempt to shoehorn this case into *Younger*'s abstention framework also fails. *Younger*[5] abstention applies only when a federal case "overlaps" with one of the following types of state proceedings: "(1) criminal prosecutions; (2) civil enforcement proceedings; and (3) civil proceedings involving certain orders that are uniquely in furtherance of the state courts' judicial functions." *See Leonard v. Alabama State Bd. of Pharmacy*, 61 F.4th 902, 907–08 (11th Cir. 2023) (internal punctuation omitted, quoting *New Orleans Pub. Serv., Inc. v. Council of the City of New Orleans*, 491 U.S. 350, 367-68 (1989)).

While correctly conceding that the civil lien proceeding and subsequent appeal do not fall into the first or third categories, Defendant incorrectly asserts that the state proceeding is an applicable civil enforcement proceeding. ECF 19 at 16.

Applicable "civil enforcement proceedings," however, are those "akin to a criminal prosecution" initiated to "sanction" a party "for some wrongful act." *See Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 79 (2013) (internal punctuation and citations omitted). Further, these types of actions "often involve a formal investigation and a complaint filed at the end of the investigation." *Watson v. Fla. Jud. Qualifications Comm'n*, 618 F. App'x 487, 490 (11th Cir. 2015).

Said another way, the civil enforcement proceedings must be "quasi-criminal." *ACRA Turf Club, LLC v. Zanzuccki*, 748 F.3d 127, 138 (3d Cir. 2014). To make this determination, courts consider whether: "(1) the action was commenced by the State in its

[5] *Younger v. Harris*, 401 U.S. 37 (1971).

sovereign capacity, (2) the proceeding was initiated to sanction the federal plaintiff for some wrongful act, and (3) there are other similarities to criminal actions, such as a preliminary investigation that culminated with the filing of formal charges." *Id.* (citing *Sprint*, 571 U.S. at 79).

Considering these factors, the civil lien proceeding here lacks the hallmarks of a "quasi-criminal" enforcement proceeding. Although the State acted in its sovereign capacity in pursuing the lien, the similarities to quasi-criminal proceedings end there. Indeed, Florida courts have repeatedly held, and Defendant acknowledges, that restitution liens serve a compensatory rather than punitive purpose. *See Ilkanic v. City of Fort Lauderdale*, 705 So. 2d 1371, 1373 (Fla. 1998) (lien is a "civil judgment" entered for the purpose of "reimbursing public bodies for the costs expended" for incarceration."); *Goad v. Fla. Dep't of Corr.*, 845 So. 2d 880, 884 (Fla. 2003) (legislative intent is "to afford a civil remedy to address the State's need to recover the incarceration costs of convicted offenders."). And, accepting here that the lien against Plaintiff aims to reimburse the State for his incarceration costs rather than punish him for a wrongful act, it "underscores why *Younger* abstention is not proper in this case." *See Applied Underwriters, Inc. v. Lara*, 37 F.4th 579, 589 (9th Cir. 2022) (declining to apply *Younger* to an action challenging an insurance conservatorship that bore "some resemblance to a criminal prosecution," but lacked any punitive character).

Finally, civil lien proceedings bear no resemblance to criminal prosecutions. That the State instituted the proceeding in the criminal sentencing court is of no consequence. "The fact that the court of conviction has jurisdiction to impose the lien does not render

the proceedings criminal. Rather, the criminal court's authority to impose the civil restitution lien reflects the legislature's intention to create an accelerated method of imposing a civil restitution judgment." *Fla. Dep't of Corr. v. Holt*, 373 So. 3d 969, 971 (Fla. 2d DCA 2023) (holding that the public defenders are not authorized to represent individuals in civil restitution lien proceedings because such proceedings are civil in nature and do not implicate a liberty interest, despite originating in criminal court). There is no investigation and no formal charge, nor need there be, as liability attaches at conviction. Fla. Stat. §§ 960.292(1), 960.293(2). Moreover, Florida courts have held that trial courts have a ministerial duty to impose the lien. *Fla. Dep't of Corr. v. O'Neal*, 398 So. 3d 1100, 1103 (Fla. 2nd DCA 2024).

The cases Defendant relies on to liken the lien proceeding to a criminal prosecution are inapposite. ECF 19 at 17-18. For example, in *Trainor v. Hernandez*, 431 U.S. 434 (1977), the State of Illinois, through its Department of Public Aid, sued to recover public assistance payments allegedly obtained by the fraudulent concealment of assets. Though civil in form, the proceeding was quasi-criminal because the underlying conduct was also subject to criminal prosecution, and the State sought to penalize and deter wrongful conduct against the public interest. *Id.* at 444.

Similarly, in *Huffman v. Pursue, Ltd*., 420 U.S. 592 (1975), the Sheriff and Prosecuting Attorney in Allen County, Ohio, invoked the state's nuisance statute to close a theater specializing in pornographic films. The Court reasoned that although the nuisance proceeding was civil, it was "more akin to a criminal prosecution," because it

was closely tied to Ohio's criminal statute prohibiting the dissemination of obscene materials. *Id* at 604.

By contrast, civil restitution liens imposed for the sole purpose of recouping costs of incarceration to the state are not adversarial enforcement actions. The state court's role is limited to the mechanical imposition of a lien, and there is no fact-finding regarding alleged misconduct or wrongdoing. "Indeed, in every case of the civil enforcement genre cited by *Sprint* where *Younger* abstention was found to be valid, the parallel proceedings were either in aid of and closely related to criminal statutes, or were aimed at punishing some wrongful act through a penalty or sanction." *Applied Underwriters*, 37 F.4th at 589 (collecting cases, internal citation and punctuation omitted). The lien against Mr. Baez, sought 18 years after his criminal conviction, is neither.[6]

2. The *Middlesex* factors are not satisfied.

Because the federal case falls outside each of the three categories of proceedings to which abstention applies, the Court's *Younger* analysis should end there. But even if the Court proceeds to consider the *Middlesex* factors, the Court should decline to abstain as Plaintiff Baez lacks an "adequate opportunity" to raise his federal claim in state court. For this factor, "what matters is whether the plaintiff is *procedurally* prevented from raising his constitutional claims in the state courts." *Pompey v. Broward Cnty.*, 95 F.3d 1543, 1551 (11th Cir. 1996) (emphasis in original).

[6] In any event, the determination of whether this lien is a civil enforcement proceeding requires a fact-bound analysis not suited for a motion to dismiss. Should the Court have doubts about whether this factor is satisfied, the proper course would be to deny the motion to dismiss and resolve it at summary judgment.

Here, Plaintiff is procedurally prevented from raising his constitutional claim in state court because a Florida appellate court has held that entry of a civil restitution lien "is a ministerial duty," and that a trial court exceeded its "narrow jurisdiction" when it considered an equal protection claim. *See O'Neal*, 398 So. 3d at 1103. Because jurisdiction is a "threshold matter," Plaintiff is procedurally prohibited from bringing his constitutional claim in state court. *See, e.g., Jackson v. Humphrey*, 776 F.3d 1232, 1238 (11th Cir. 2015) (explaining that a case may proceed on the merits only after the court addresses the "threshold matter" of subject matter jurisdiction). Indeed, the state court relied on *O'Neal*—at Defendant's urging—to hold that it had no jurisdiction to consider Plaintiff Baez's constitutional claims in opposition to imposition of the lien. As a result, Plaintiff was procedurally barred from raising his constitutional arguments in that forum.

Defendant makes much of the fact that Plaintiff Baez appealed the denial of these claims. But Plaintiff's attempts to distinguish unfavorable precedent or preserve his appellate record do not transform the state proceeding into one that affords an adequate opportunity for consideration of the merits of his constitutional claim.

3. Defendant should be estopped from asserting contrary positions in state and federal court.

Even if Plaintiff could proceed in state court, Defendant is judicially estopped from now arguing that the state court provides an adequate forum for Plaintiff's constitutional claim. Judicial estoppel applies when: 1) a party's position is "clearly inconsistent" with its earlier position; 2) a party persuaded a court to accept their position; and 3) the party asserting the inconsistent position "would derive an unfair

advantage or impose an unfair detriment on the opposing party if not estopped." *New Hampshire v. Maine*, 532 U.S. 742, 750-51 (2001).

All three factors are satisfied here. In state court, Defendant argued, and the state court agreed, that "Defendant Baez is barred from raising Constitutional claims to defend against entry of the Civil Restitution Lien."[7] ECF 27-1 at 2. Defendant specifically argued, relying on *O'Neal*, that the state court had no jurisdiction to consider Plaintiff Baez's constitutional claims. *Id.*at 3. The court accepted this argument, denying Plaintiff's Motion to Reconsider and entering Defendant's proposed order, which held that "[c]onsideration of Defendant's constitutional claims are outside the narrow jurisdiction of the Court." ECF 27-2 at 2. Indeed, Defendant not only maintains this position on appeal, but concedes that Baez's challenge here is proper. "[Plaintiff's Supremacy Clause claim is] not barred from consideration" in federal court, and proceeding in federal court "would be consistent with this Court's conclusion in *O'Neal*." ECF 27-3 at 17.

Now Defendant reverses course, asserting that the *Middlesex* factors are satisfied because Plaintiff Baez can raise his constitutional claims in state court. ECF 19 at 20-21. This is plainly inconsistent with Defendant's prior position that he successfully persuaded the state court to adopt. And if Defendant were permitted to take this contradictory stance here, he would gain an unfair advantage by securing dismissal under *Younger* while

[7] By separate motion, Plaintiff moves this Court to take Judicial Notice of Defendant's Response to Plaintiff's Motion for Rehearing and the court's order denying Plaintiff's Motion, in Pasco County Case No. 0501018-CF, as well as Defendant's Answer Brief in Florida Second District Court of Appeal Case No. 2D2025-0423.

having previously foreclosed any state court avenue for Plaintiff's claims. Defendant should therefore be estopped from asserting this contrary position.[8]

III. Plaintiff Has Stated a Valid Preemption Claim Warranting Review

The complaint states a claim: the lien is preempted because it obstructs Section 1983's core purpose—ensuring full compensation for constitutional violations and deterring official misconduct.

"A fundamental principle of the Constitution is that Congress has the power to preempt state law." *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 372 (2000). When preemption is not express, courts find it implied in two circumstances: when compliance with both state and federal law is impossible, or when the challenged state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Id.* at 373 (internal citation omitted). What constitutes "a sufficient obstacle is a matter of judgment, to be informed by examining the federal statute as a whole and identifying its purpose and intended effects." *Id.*

Here, Plaintiff alleges that Defendant's imposition of a cost of incarceration lien against him creates an obstacle to accomplishing § 1983's dual purpose—providing a compensatory remedy for individuals harmed by constitutional violations and deterring state actors from unconstitutional conduct. *See Robertson v. Wegmann*, 436 U.S. 584, 590–91 (1978) ("The policies underlying § 1983 include compensation of persons injured by

[8] Alternatively, should this Court decide to abstain under *Younger*, it must dismiss the case *without* prejudice. *See Hale v. Pete*, 694 Fed. Appx. 682, 685 (11th Cir. 2017) ("a complaint dismissed pursuant to *Younger* is without prejudice") (citing *Old Republic Union Ins. Co. v. Tillis Trucking Co., Inc.*, 124 F.3d 1258, 1264 (11th Cir. 1997)).

deprivation of federal rights and prevention of abuses of power by those acting under color of state law.").

Specifically, Plaintiff alleges that he successfully sued, under § 1983, correctional officers and medical professionals acting under color of state law after they assaulted him and failed to provide adequate medical treatment, resulting in the loss of his eye. ECF 12, ¶ 13. He further alleges that he settled with all parties in August 2022, and that his counsel deposited all funds into his inmate trust account. ECF 12, ¶ 14-15. He also asserts that Defendant's imposition of a lien in the amount of $547,850 effectively denies him access to any of the settlement funds from his § 1983 case, undercutting both the compensatory and deterrence purposes of the statute. ECF 12, ¶ 30.

In fact, Defendant and other state officials' payment of damages to Plaintiff was necessary to make him whole—to the extent possible—after the state's actions cost him his eye.

> [T]he common law of torts has developed a set of rules to implement the principle that a person should be compensated fairly for injuries caused by the violation of his legal rights. These rules, defining the elements of damages and the prerequisites for their recovery, provide the appropriate starting point for the inquiry under § 1983 as well.

Carey v. Piphus, 435 U.S. 247, 257-58 (explaining that damages under § 1983 "should be governed by the principle of compensation . . ."). These damages also serve to "deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails." *Wyatt v. Cole*, 504 U.S. 158, 161 (1992).

Plaintiff's claims are not novel. In a case involving similar facts, the Eighth Circuit invalidated a state statute[9] "to the extent that the Act permits the State to recoup the very monies it has paid to satisfy a section 1983 judgment against one of its employees." *Hankins v. Finnel*, 964 F.2d 853, 861 (8th Cir. 1992). In *Hankins*, the state of Missouri initiated proceedings against an incarcerated plaintiff, under a law similar to Florida's, seeking to recoup the proceeds of the plaintiff's civil rights judgment he had obtained against a corrections employee. *Id*. at 854. The Eighth Circuit held that the state's actions were preempted by Section 1983 because they were "inimical to the goals of the federal statute." *Id*. at 861. *See also Williams v. Marinelli*, 987 F. 3d 188, 201 (2d Cir. 2021) ("The deterrent effect of Williams's § 1983 award is eviscerated if both the constitutional tortfeasor and his employer, the State, are relieved of the bulk of the financial consequences of the violation."). That reasoning applies here with equal force.

Defendant's imposition of a lien here results in the State reimbursing itself for Mr. Baez's § 1983 settlement.[10] ECF 12, ¶¶ 17-22, 29-31. Such an application of the civil

[9] To be clear, however, Plaintiff does not seek to invalidate any state statutes here.

[10] Florida courts have expressed concerns about this very practice. *See, e.g., O'Neal*, 398 So. 3d at 1103 n.3 ("If the states can create restitution judgments that protect their employees from such judgments, there does not seem to be an effective method short of criminal prosecution of prison guards to protect the basic human rights of prisoners."); *Green v. State*, 998 So. 2d 1149, 1150-51 (Fla. 2d DCA 2008) (Altenbernd., concurring) ("I am far more troubled, however, by the State's tactic of filing a motion in the criminal court to obtain a civil restitution lien essentially to serve as a setoff against the federal judgment for the violation of the prisoner's civil rights"); s*ee also Smith v. Fla. Dept. of Corr*., 27 So. 3d 124, 128 (Fla. 1st DCA 2010) (explaining that the purpose of the civil restitution statutes is to "compensate the state for the expenses of incarcerating convicted offender[s]—rather than being used to deter prisoners from making claims against [FDC].").

restitution lien conflicts with § 1983 because it stands as an obstacle to achieving its purpose—compensation and deterrence.

These allegations "raise a right to relief above the speculative level" and thus survive Rule 12(b)(6). Defendant's Motion to Dismiss must be denied.

CONCLUSION

Defendants have failed to establish that dismissal is warranted. Therefore, Plaintiffs' respectfully ask the Court to deny Defendants' Motion to Dismiss, ECF 19.

Dated: August 4, 2025

Respectfully submitted,

/s/ Krista Dolan

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CERTIFICATE OF WORD LIMIT

Under N.D. Fla Local Rule 7.1(F), I hereby certify that this memorandum contains 4,672 words.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Court's CM/ECF system, which provides notice to all parties, on August 4, 2025.

/s/ Krista Dolan
Counsel for Plaintiff Baez