

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 25- 81554-CIV-CANNON/McCabe

PATRICIA TESTA, *et al.*,

Plaintiffs,

v.

JASON A. REDING QUINONES,

Defendant.

**ORDER SCREENING COMPLAINT, DISMISSING CASE,
AND DIRECTING CLERK MAILING**

THIS CAUSE comes before the Court upon a sua sponte review of Plaintiffs’ Petition for Writ of Mandamus (the “Petition”) [ECF No. 1]. For the reasons stated below, Plaintiffs’ Complaint [ECF No. 1] is **DISMISSED**, the Motion for Expedited Hearing [ECF No. 6] is **DENIED AS MOOT**, and the Clerk is directed to **CLOSE** this case.

RELEVANT BACKGROUND

This is Plaintiffs’ second attempt to seek a writ of mandamus compelling the United States Attorney for the Southern District of Florida to present evidence of alleged election fraud to a grand jury. Plaintiffs’ first attempt was also before this Court in Case No. 25-81219-CIV-CANNON, and Plaintiffs helpfully attach the pleadings from that prior case on the instant docket [*see generally* ECF No. 5]. In that first case, because the Plaintiffs had moved to proceed *in forma pauperis*, the Court screened the Plaintiffs’ petition pursuant to 28 U.S.C. § 1915(e)(2) and dismissed the petition as “frivolous or malicious” [ECF No. 5 pp. 2–4]. The Court noted that the petition had “no discernable factual allegations or cause of action” and failed to come “close to alleging any violation of law or any basis for the relief sought” [ECF No. 5 p. 3].

Less than two months later, Plaintiffs filed the instant case, presenting essentially the same petition for writ of mandamus [*compare* ECF No. 5 pp. 9–16, *with* ECF No. 1]. A prior court assigned to this case ordered Plaintiffs to show cause, noting the similarity between the instant action and the first case before this Court, and to “brief whether this action is barred by res judicata and/or collateral estoppel” [ECF No. 9 p. 2]. In response, Plaintiffs acknowledged this Court’s prior dismissal but argued that their petition was “never litigated” [ECF No. 10 p. 10]. The matter was then reassigned to this Court [ECF No. 11].

LEGAL STANDARD

“[D]istrict courts have the inherent power to *sua sponte* dismiss frivolous suits without giving notice to the parties.” *Davis v. Kvalheim*, 261 F. App’x 231, 234 (11th Cir. 2008); *see also Tazoe v. Airbus S.A.S.*, 631 F.3d 1321, 1336 (11th Cir. 2011) (“There is an exception to our general rule against dismissal without notice if the complaint is patently frivolous”). “A claim is frivolous if and only if it lacks an arguable basis either in law or in fact.” *Miller v. Donald*, 541 F.3d 1091, 1100 (11th Cir. 2008).

Pro se pleadings are held to a less stringent standard than those drafted by attorneys and are thus liberally construed. *Evans v. Georgia Reg’l Hosp.*, 850 F.3d 1248, 1253 (11th Cir. 2017). However, liberal construction of *pro se* pleadings “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).

DISCUSSION

Plaintiffs' Petition is dismissed again for being frivolous. As with Plaintiff's last petition, the instant Petition has no discernable factual allegations or cause of action [*see generally* ECF No. 1]. Plaintiffs again appear to be asking the court to compel the United States Attorney for the Southern District of Florida to empanel a Grand Jury and present evidence that Plaintiffs have gathered regarding unspecified "election violations" in Palm Beach County [ECF No. 1 p. 4]. Once again, nothing in Plaintiffs' Petition comes close to alleging any violation of law or any basis for the relief sought [ECF No. 1 pp. 4–5]. The Court thus once more dismisses the Petition as "patently frivolous." *Tazoe*, 631 F.3d at 1336; *see also Davis*, 261 F. App'x at 234.¹

For these reasons, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiffs' Petition [ECF No. 1] is **DISMISSED** without leave to amend in this action.
Any request to amend is deemed futile in light of the obviously frivolous nature of Plaintiffs' Petition.
2. Plaintiffs' Motion for Expedited Hearing [ECF No. 6] is **DENIED AS MOOT**.
3. **The Clerk is directed to MAIL a copy of this Order to *pro se* Plaintiffs at the addresses listed below and file a Notice of Compliance on the docket.**

ORDERED in Chambers at Fort Pierce, Florida, this 8th day of January 2026.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

¹ Because the Court dismisses this Complaint for frivolity, the Court need not address whether these claims are barred by any doctrine of preclusion.

CASE NO. 25-81554-CIV-CANNON/McCabe

cc: **Patricia Testa**
[REDACTED]
Jupiter, Florida 33469
PRO SE

Eugene Testa
[REDACTED]
Jupiter, Florida 33469
PRO SE

Alison Rampersad
[REDACTED]
Delray Beach, Florida 33484
PRO SE

Joyce Russell
[REDACTED]
Lake Worth, Florida 33463
PRO SE