

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

CASE NO. 9:25-cv-81554-EA

**Patricia Testa,
Et al.,**

Petitioners,

v.

Jason A. Reding Quinones,
in his official capacity as United States Attorney for the Southern District of Florida,

Respondent.

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ORDER TO SHOW CAUSE

This cause comes before the Court upon sua sponte review of the record. It appears that this action may be barred by res judicata and/or collateral estoppel because Judge Cannon has previously dismissed with prejudice a substantially similar action filed by the petitioners against Mr. Hayden O’Byrne in his official capacity as Acting United States Attorney for the Southern District of Florida, who is the Honorable United States Attorney Jason A. Reding Quinones’ predecessor. *See* ECF No. 5; *Milner v. Baptist Health Montgomery*, 132 F.4th 1354, 1357 (11th Cir. 2025) (“Res judicata prevents plaintiffs from bringing claims related to prior decisions when ‘the prior decision (1) was rendered by a court of competent jurisdiction; (2) was final; (3) involved the same parties or their privies; and (4) involved the same causes of action.’” (quoting *Rodemaker v. City of Valdosta Bd. of Educ.*, 110 F.4th 1318, 1324 (11th Cir. 2024))); *In re McWhorter*, 887 F.2d 1564, 1566 (11th Cir. 1989) (“To invoke collateral estoppel, a party must demonstrate four elements: ‘(1) the issue at stake must be identical to the one involved in the prior litigation; (2) the issue must have been actually litigated in the prior suit; (3) the determination of the issue in the

prior litigation must have been a critical and necessary part of the judgment in that action; and (4) the party against whom the earlier decision is asserted must have had a full and fair opportunity to litigate the issue in the earlier proceeding.” (quoting *I.A. Durbin, Inc. v. Jefferson Nat’l Bank*, 793 F.2d 1541, 1549 (11th Cir. 1986)); *see also Testa v. O’Byrne*, No. 9:25-cv-81219-AMC ECF No. 9 (S.D. Fla. Oct. 22, 2025) (Judge Cannon’s order dismissing the prior case with prejudice).

Therefore, it is **ORDERED AND ADJUDGED**:

1. The petitioners shall brief whether this action is barred by res judicata and/or collateral estoppel. Their brief shall be due on or by January 8, 2026. When the petitioners file their brief with the Court, they shall also serve a copy of their brief on the Honorable United States Attorney Jason A. Reding Quinones.
2. The Clerk of the Court is instructed to serve a copy of this order on the Honorable United States Attorney Jason A. Reding Quinones.

ORDERED in Chambers in West Palm Beach, Florida, this 18th day of December 2025.



ED ARTAU
UNITED STATES DISTRICT JUDGE

CC:

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