

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FRAN ALEXIS BENITEZ-UMANZOR,

Plaintiffs,

v.

No. 2:26-cv-815-KCD-DNF

WARDEN, FLORIDA SOFT SIDE SOUTH,

Defendants.

MOTION TO DISMISS

As noted in the Notice of Related Action (and exhibits) filed concurrently with this Motion to Dismiss, Petitioner has filed another habeas petition, *Fran Alexis Benitez-Umanzor v Warden, Jackson Parish Correctional Center*, currently pending in Western District of Louisiana, Case No. 3:26cv-0940-AVH-DJA, which is duplicative of the one filed in the instant case. Petitioner is currently detained in the Jackson Parish Correctional Center in Louisiana.¹ Furthermore, a TRO was entered on March 26, 2026, in the WDLA case.

Because the WDLA has initially ruled on the duplicative habeas petition by granting a TRO, there may be additional orders and/or a preliminary injunction in the WDLA case which could potentially conflict with any ruling in this case. The federal Respondents respectfully request that because the habeas petitions are

¹ The MDLFL habeas petition was filed on March 18, 2026, when Benitez-Umanzor was detained at Florida Soft Side before his transfer to Louisiana.

duplicative, the instant petition should be dismissed to promote judicial economy and a more comprehensive approach to the litigation. In the alternative, if the Court is not inclined to dismiss the instant habeas case as duplicative, the federal Respondents request that the case be stayed pending the resolution of the WDLA habeas case, or if this motion to dismiss is denied, allow the federal Respondents sufficient time to file a substantive response to the pending petition at a date subsequent to the date set forth in the Court's Show Cause Order (ECF 2).

Legal Memorandum

A district court may stay or dismiss a suit that is duplicative of another federal court suit as part of its general power to administer its docket. *See I.A. Durbin, Inc. v. Jefferson Nat. Bank*, 793 F.2d 1541, 1551 (11th Cir. 1986) ("It is well established that "as between federal district courts, ... the general principle is to avoid duplicative litigation."). This doctrine "rest[s] on considerations of '[w]ise judicial administration, giving regard to conservation of judicial resources and comprehensive disposition of litigation.' " *Id.*, citing *Colorado River*, 424 U.S. at 817, 96 S.Ct. at 1246 (quoting *Kerotest Mfg. Co. v. C-O-Two Fire Equipment Co.*, 342 U.S. 180, 183, 72 S.Ct. 219, 221, 96 L.Ed. 200 (1952)). Trial courts are afforded broad discretion in determining whether to stay or dismiss litigation in order to avoid duplicating a proceeding already pending in another federal court." *Id.* at 1551-52; *see also Smith v. GDC Med. Contractors*, 2018 WL 11222150 (M.D. Ga. 2018) (duplicative habeas claims); *Wiregrass Const. v. Nautilus Ins. Co.*, 2016 WL 11654391 (M.D. Al. 2016) ("the general rule is that a suit is duplicative of another suit if the parties, issues

and available relief do not significantly differ between the two actions”, citing *I.A. Durbin*). As noted by the Supreme Court in *Kerotest*, “[n]ecessarily, an ample degree of discretion, appropriate for disciplined and experienced judges, must be left to the lower court.” *Id.* at 183–84.

Conclusion

For the reasons set forth herein, the federal Respondents respectfully request that the Court grant its motion to dismiss and/or the alternate relief requested herein.

Dated: April 8, 2026

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 8, 2026, a copy of the foregoing was sent by United States Mail to Petitioner at the facility address listed in his WDLA Petition.

/s/Kelley C. Howard-Allen
Kelley C. Howard-Allen
Assistant United States Attorney