

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

CHARLES E. BLAKE, SR.,

Plaintiff/Counter  
Defendant,

v.

Case No. 6:15-cv-2085-Orl-37KRS

EARL W. CARTER, SR.,

Defendant/Counter  
Claimant.

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**ORDER TO SHOW CAUSE**

This cause is before the Court on the following:

1. Plaintiff's Verified Motion for Order to Show Cause for Violation of Permanent Injunction and Incorporated Memorandum of Law (Doc. 125), filed February 6, 2017; and
2. Plaintiff's Motion for Leave to File a Supplemental Memorandum in Support of Plaintiff's Verified Motion for Order to Show Cause for Violation of Permanent Injunction (Doc. 130), filed February 16, 2017.

On December 27, 2016, the Court issued a permanent injunction enjoining Defendant from "publishing or permitting the continued publication of": (1) a defamatory "Flyer"; (2) fifty specifically identified defamatory videos; and (3) sixteen specifically identified false statements concerning Plaintiff (collectively, "**Enjoined Content**"). (Doc. 120 ("**Injunction**").) The Injunction directed Defendant "to remove or cause to be removed" the Enjoined Content from "YouTube or any other website or platform" on or before January 3, 2017. (See *id.* at 10.) Having previously dismissed the case, the Court

retained jurisdiction over the action for the sole purpose of enforcing the Injunction. (*Id.*)

At present, Plaintiff requests that the Court order Defendant to show cause why he should not be held in contempt for violating the Injunction. (Doc. 125 (“**Show Cause Motion**”).) In support, Plaintiff avers, *inter alia*, that Defendant: (1) continues to publish the Enjoined Content, despite knowledge of the Injunction; and (2) expresses his refusal to abide by the Court’s Injunction. (Doc. 125, pp. 2–6; see *also* Doc. 130.)

According to Plaintiff, Defendant’s alleged conduct warrants the entry of an order directing Defendant to show cause why: (1) he should not be held in civil contempt; and (2) coercive sanctions, including imprisonment and fines, should not be imposed. (*Id.* at 9.) In addition to civil penalties, Plaintiff requests that the Court consider whether: (1) Defendant’s alleged conduct warrants referral to the United States Attorney for possible criminal prosecution; and (2) Plaintiff is entitled to an award for attorney fees incurred in bringing the Show Cause Motion and otherwise seeking to ensure Defendant’s compliance with the Injunction. (*Id.*) Despite direction (Doc. 129), Defendant did not respond to the Show Cause Motion, and the time for doing has now passed.

The Court enforces injunctions through its civil contempt power. *Reynolds v. Roberts*, 207 F.3d 128, 1298 (11th Cir. 2000). If a plaintiff believes that a defendant is failing to comply with the Court’s injunction, then the plaintiff may move the court to “issue an order to show cause why the defendant should not be [held] in civil contempt and sanctioned.” *Id.* The Court is authorized to enter such an order if “satisfied that the plaintiff’s motion states a case of non-compliance.” *Id.* Here, Plaintiff has stated a cause of non-compliance with the Injunction based on Defendant’s alleged continued publication of the Enjoined Content on YouTube and other platforms. (Doc. 125, pp. 4–6; see *also*

Doc. 125-3; Doc. 125-4.) As such, the Court finds that the Show Cause Motion is due to be granted. In light of the foregoing, Plaintiff's request to supplement his Show Cause Motion (Doc. 130) is due to be denied. Plaintiff will be given an opportunity at the show cause hearing to address concerns regarding enforcement of the Injunction.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. Plaintiff's Verified Motion for Order to Show Cause for Violation of Permanent Injunction and Incorporated Memorandum of Law (Doc. 125) is **GRANTED**.
2. Plaintiff's Motion for Leave to File a Supplemental Memorandum in Support of Plaintiff's Verified Motion for Order to Show Cause for Violation of Permanent Injunction (Doc. 130) is **DENIED**.
3. On Wednesday, **March 8, 2017**, Defendant is **ORDERED** to appear and show cause: (1) why he should not be held in civil contempt for failure to abide by the Permanent Injunction (Doc. 120); and (2) why the Court should not institute criminal contempt proceedings for such failure.
4. The matter will be heard on Wednesday, **March 8, 2017**, at 10 a.m., in Courtroom 4A of the George C. Young Courthouse, 401 West Central Boulevard, Orlando, Florida 32801.
5. Defendant is notified that if, after having heard Defendant's response in open court, the Court finds that criminal contempt proceedings are appropriate, the Court will refer the matter to the United States Attorney for potential prosecution and direct the Clerk to randomly assign the criminal contempt proceeding to another U.S. District Judge for further proceedings

in connection with the criminal contempt referral pursuant to Federal Rule of Criminal Procedure 42(a).

6. The U.S. Marshal is **DIRECTED** to serve a copy of this Order on Defendant at 7225 Hawksnest Blvd. Orlando, Florida 32835. **Defendant is cautioned that failure to appear will result in the issuance of an arrest warrant.**

**DONE AND ORDERED** in Chambers in Orlando, Florida, on February 17, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record

*Pro se* Party

United States Marshal Service

United States Attorney's Office for the  
Middle District of Florida

Katherine M. Ho, Assistant United  
States Attorney

Roger Hamburg, Assistant United  
States Attorney