

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

**GAINESVILLE RESIDENTS UNITED,
INC., et al.,**

Plaintiffs,

v.

Case No. 1:23-cv-176-AW-HTC

**RON DESANTIS, in his official capacity
as Governor of the State of Florida, and
CITY OF GAINESVILLE,**

Defendants.

ORDER TO SHOW CAUSE

H.B. 1645 (or the “Act”) created the Gainesville Regional Utility Authority (the “Authority”) and invested it with the authority to control Gainesville Regional Utilities (“GRU”). GRU provides utility service to those in and around Gainesville, and before the Act, it was controlled by the Gainesville City Commission. Plaintiffs—Gainesville Residents United, Inc., and six GRU customers—sued several state officials and the City of Gainesville to challenge the Act under state and federal law. ECF No. 1 (Cmpl.). Plaintiffs voluntarily dismissed their claims against the Attorney General and Secretary of State. *See* ECF No. 36. This court dismissed the claims against the Governor for lack of standing and Eleventh Amendment immunity. ECF No. 37. The only remaining defendant is the City of Gainesville, which Plaintiffs sued as a nominal defendant. Cmpl. ¶ 37.

This court has “an independent duty to review standing as a basis for jurisdiction at any time, for every case it adjudicates.” *Fla. Ass’n of Med. Equip. Dealers, Med-Health Care v. Apfel*, 194 F.3d 1227, 1230 (11th Cir. 1999) (citing *FW/PBS, Inc. v. Dallas*, 493 U.S. 215, 231 (1990)). In dismissing the claims against the Governor, this court found the Plaintiffs did not plausibly allege an impending and particularized injury sufficient for Article III standing on its federal claims. ECF No. 37 at 2-5. The court also found a lack of traceability and redressability.

Plaintiffs have repeatedly emphasized the City’s inability to exercise control over Authority operations. *See, e.g.*, ECF No. 35 at 7, 9. Plaintiffs’ own brief argues that “a dispute concerning the Authority or its operations may no longer be brought against the City—which apparently lacks the authority to change or enforce policy.” *Id.* at 10. If the City cannot exercise control over the Authority, that raises serious redressability questions, a fact Plaintiffs seem to recognize when noting that “[t]here are no levers of power the City could exercise over the Authority to give meaning to an injunction.” *Id.* at 12. Thus, it appears Plaintiffs do not have standing for any claim against the City and that the court lacks jurisdiction.

Within 14 days, Plaintiffs must file a response showing why the claims against the City should not be dismissed for lack of standing.

SO ORDERED on December 21, 2023.

s/ Allen Winsor

United States District Judge