

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 16-10091
Non-Argument Calendar

D.C. Docket No. 1:14-cv-20716-WCT

YOJAN CABRERA,
and all others similarly situated under 20 U.S.C. 216(B),

Plaintiff - Appellant,

versus

SPEED SERVICES, INC.,
JOHN M. HERNANDEZ,
SPEED CONSTRUCTION SERVICES, INC,

Defendants - Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(October 24, 2016)

Before TJOFAT, WILLIAM PRYOR and JILL PRYOR, Circuit Judges.

PER CURIAM:

Yojan Cabrera appeals the judgment against his complaint that Speed Services, Inc., Speed Construction Services, Inc., and their owner, John M. Hernandez (collectively Speed Services), violated the Fair Labor Standards Act by failing to pay Cabrera overtime compensation. Cabrera argues that the district court abused its discretion when it refused to give his proposed jury instruction about the treatment of a lump sum payment under a federal regulation. *See* C.F.R. § 778.310. We affirm.

Cabrera argues that his proposed jury instruction “was supported by the evidence and the law,” but we need not address this argument. We can affirm the judgment in favor of Speed Services on the alternative ground that Cabrera’s proposed instruction was untimely filed. Before we will reverse a “judgment that is based on multiple, independent grounds, an appellant must convince us that every stated ground for the judgment against him is incorrect.” *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014). If the “appellant fails to challenge properly on appeal one of the grounds . . . [supporting the] judgment, he is deemed to have abandoned any challenge of that ground. . . .” *Id.* The district court denied Cabrera’s proposed “instruction for several reasons; substantive and procedural, including the fact that [it] was untimely filed.” Because Cabrera does not dispute that his proposed jury instruction was untimely and he offers no

argument for why the district court abused its discretion in refusing to give his instruction on that procedural ground, “it follows that the judgment [in favor of Speed Services] is due to be affirmed,” *id.*

AFFIRMED.