

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Annie Kaplan v. Marci Whitley

Kaplan · No. 2:25-cv-14360-LEIBOWITZ/MAYNARD · Decided January 27, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopted the magistrate judge’s Report and Recommendation after no objections were filed. The court dismissed Annie Kaplan’s complaint without prejudice, denied pending motions as moot, terminated deadlines, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	David S. Leibowitz
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	January 27, 2026
DOCKET	2:25-cv-14360-LEIBOWITZ/MAYNARD
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of Plaintiff's Complaint without prejudice. No objections were filed, so the district court reviewed the R&R for clear error, adopted it in full, and dismissed the action without prejudice.
STANDARD OF REVIEW	Portions of a magistrate judge's report and recommendation to which specific objections are made are reviewed de novo; portions to which no objections are made are reviewed for clear error.
PRECEDENTIAL VALUE	Unknown

TOPICS

- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal courts

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no party filed objections within the objection period.
2. Whether the action should be dismissed without prejudice as recommended in the Report and Recommendation.

HOLDINGS

1. When no party files objections to a magistrate judge's Report and Recommendation within the applicable period, the district court reviews the R&R for clear error rather than conducting de novo review.
2. The magistrate judge's Report and Recommendation was adopted in its entirety, and the action was dismissed without prejudice.

KEY QUOTATIONS

“To the extent a party fails to object to parts of the magistrate judge’s report, those portions are reviewed for clear error.” (at 1)

“This action is hereby DISMISSED without prejudice.” (at 1)

FACTUAL BACKGROUND

The opinion provides no substantive factual background concerning the underlying claims. Plaintiff Annie Kaplan filed a Complaint against Marci Whitley, and the magistrate judge recommended dismissal without prejudice.

PROCEDURAL HISTORY

Magistrate Judge Shaniek Mills Maynard issued a Report and Recommendation on January 7, 2026, recommending dismissal of the Complaint without prejudice. The parties filed no objections within the applicable 14-day period. District Judge David S. Leibowitz adopted and affirmed the R&R, dismissed the action without prejudice, denied pending motions as moot, terminated deadlines, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Macort v. Prem, Inc.*, 208 F. App'x 781, 783-84 (11th Cir. 2006)

OPINION

Kaplan

PER CURIAM.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 2:25-cv-14360-LEIBOWITZ/MAYNARD
ANNIE KAPLAN,
Plaintiff, v.
MARCI WHITLEY, ,
Defendants. _____/

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

THIS CAUSE is before the Court upon the Report and Recommendation by United States Magistrate Judge Shaniek Mills Maynard [ECF No. 19] (the “R&R”), filed on January 7, 2026. Judge Maynard recommends dismissing Plaintiff’s Complaint without prejudice. No objections to the R&R were filed during the 14-day objection period. Upon due consideration of the R&R, the filings, the applicable law, and the record, the Court ADOPTS and AFFIRMS the Report and Recommendation [ECF No. 19]. “In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 783 (11th Cir. 2006) (cleaned up). The objections must also present “supporting legal authority.” S.D. Fla. L. Mag. J.R. 4(b). Once a district court receives “objections meeting the specificity requirement set out above,” it must “make a de novo determination of those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” *Macort*, 208 F. App’x at 783–84 (cleaned up). To the extent a party fails to object to parts of the magistrate judge’s report, those portions are reviewed for clear error. *Id.* at 784 (cleaned up). The parties have not submitted any objections to Judge Maynard’s R&R, and the time to do so has passed. As such, the Court has reviewed the R&R for clear error only. Upon this review, the Court finds not only no clear error but also notes that Judge Maynard’s R&R is cogent and correct. The Court adopts the R&R in its entirety. Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge’s Report and Recommendation [ECF No. 19] is ADOPTED and made a part of this Order for all purposes.
2. This action is hereby DISMISSED without prejudice.
3. The Clerk is directed to mail a copy of this Order to Plaintiff.
3. The Clerk is further directed to CLOSE this case. Any pending motions are DENIED as moot, and all deadlines are TERMINATED. DONE AND ORDERED in the Southern District of Florida on January 27, 2026.

DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

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PRO SE

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