

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Willie Perry v. Julianna Boors and Talisa Jenkins

Perry · No. 25-62197-CIV-SINGHAL · Decided January 26, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopted a magistrate judge’s report and recommendation recommending dismissal of Willie Perry’s action without prejudice. The court overruled Perry’s objections, concluding that they did not address the pleading, Bivens, state-actor, or sovereign-immunity deficiencies identified in the report, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	January 26, 2026
DOCKET	25-62197-CIV-SINGHAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	District court review of a magistrate judge's report and recommendation recommending dismissal without prejudice, following the plaintiff's objections.
STANDARD OF REVIEW	De novo review of the portions of a magistrate judge's report and recommendation to which a party objects under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished
PARTIES	Willie Perry v. Julianna Boors, Talisa Jenkins

TOPICS

- pleadings
- civil procedure
- fourteenth amendment
- sovereign immunity

PRACTICE AREAS

- civil procedure
- constitutional law
- civil rights
- federal jurisdiction

QUESTIONS PRESENTED

1. Whether the district court should conduct de novo review of the portions of the magistrate judge's report and recommendation challenged by plaintiff's objections.
2. Whether plaintiff's objections addressed the deficiencies identified in the report and recommendation sufficiently to prevent dismissal.
3. Whether the action should be dismissed without prejudice because the amended complaint was a shotgun pleading, the asserted Fourteenth Amendment Bivens claim was not recognized, defendants were not alleged to be state actors, and sovereign immunity was not alleged to have been waived.

HOLDINGS

1. When a party objects to a magistrate judge's findings, the district court must make a de novo determination of the portions of the report to which objection is made and may accept, reject, or modify the magistrate judge's recommendations.
2. Plaintiff's objections did not warrant altering the report and recommendation because they did not address the legal and pleading deficiencies identified by the magistrate judge.
3. The action was properly dismissed without prejudice because the amended complaint was a shotgun pleading after plaintiff had already been granted leave to amend, the asserted Bivens claim under the Fourteenth Amendment was not recognized, plaintiff did not allege that defendants were state actors, and plaintiff did not allege a waiver of sovereign immunity.

KEY QUOTATIONS

“When a party objects to a magistrate judge’s findings, the district court must “make a de novo determination of those portions of the report ... to which objection is made.””

“The district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.””

FACTUAL BACKGROUND

Plaintiff brought an action asserting a Bivens claim under the Fourteenth Amendment against Julianna Boors and Talisa Jenkins. He alleged that defendants treated him with hate and prejudice, attempted to poison him, and that the Social Security Administration was not authorized to report his information to the Department of Veterans Affairs. The court noted that a Veterans Affairs letter concerned a recall of fluticasone nasal spray due to sterility concerns and did not support an allegation that the defendants attempted to poison plaintiff.

PROCEDURAL HISTORY

Magistrate Judge Strauss issued a report and recommendation on December 22, 2025, recommending dismissal without prejudice because the amended complaint was a shotgun pleading, the asserted Bivens theory was not recognized under the Fourteenth Amendment, the defendants were not alleged to be state actors, and sovereign immunity had not been waived. Plaintiff objected on January 5, 2026. The district court conducted de novo review, affirmed and adopted the report and recommendation, overruled the objections, dismissed the action without prejudice, closed the case, and denied pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 513 (11th Cir. 1990)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 25-62197-CIV-SINGHAL WILLIE PERRY, Plaintiff, v. JULIANNA BOORS and TALISA JENKINS, Defendants. _____/ ORDER ADOPTING MAGISTRATE JUDGE’S REPORT THIS CAUSE is before the Court on the Report and Recommendation issued by Magistrate Judge Strauss (DE [13]) (“Report”) on December 22, 2025.

In the Report, Judge Strauss recommended that the action be dismissed without prejudice (DE [13]). The Report explained that (i) the Amended Complaint was a shotgun pleading, and Plaintiff had already been granted leave to amend; (ii) Plaintiff brings a Bivens action, and the Supreme Court has not recognized a Bivens claim under the Fourteenth Amendment (iii) if Plaintiff could bring a Bivens claim under the Fourteenth Amendment, the Fourteenth Amendment applies only to states and state actors, and Plaintiff makes no allegations that Defendants are state actors subject to the Fourteenth Amendment; and (iv) even if Defendants were state actors, Plaintiff has not alleged waiver of sovereign immunity.

On January 5, 2026, Plaintiff filed his Objection/Motion [for] District Judge Recommendation (DE [16]) with this Court. Defendants have not been served, so there is no need to wait for their reply. As a preliminary matter, Plaintiff asks that this case be ruled on by a district judge. ((DE [16]), at 2). This case has been resigned to the Undersigned, and this Court has reviewed the issues raised in the Complaint de novo.

When a party objects to a magistrate judge’s findings, the district court must “make a de novo determination of those portions of the report... to which objection is made.” 28 U.S.C. § 636(b)(1). The district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. The district court must consider the record and factual issues independent of the magistrate judge's report, as de novo review is essential to the constitutionality of § 636.

Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 513 (11th Cir. 1990). First, Plaintiff states that “Defendants [are] treating the Plaintiff [with] hate and prejudice!!!” While this Court sympathizes with Plaintiff’s financial hardship, this objection is not a legal argument sufficient to alter Judge Strauss’ thoughtful analysis.

Second, Plaintiff argues that Defendants “tried to poison the Plaintiff” and attached a letter from the Department of Veterans Affairs stating that his fluticasone nasal spray was “being recalled due to sterility concerns.” ((DE [16], 3-4). This argument too does not address the deficiencies that Judge Strauss highlights in the Report. More importantly, the letter warns Plaintiff of a recall of his medication and provides no support for Plaintiff’s argument the Department of Veteran Affairs tried to poison him.

Third, Plaintiff argues that the Social Security Administration was not authorized to report his information to the Department of Veteran Affairs. Here, Plaintiff is simply repeating the allegations contained in the Amended Complaint and once again, fails to address any of the concerns raised in the Report.

After reviewing Plaintiff’s objections, and after careful independent consideration of Plaintiff’s arguments, this Court affirms and adopts Judge Strauss’s conclusions in the Report and Recommendation. I. CONCLUSION It is hereby ORDERED AND ADJUDGED that the magistrate judge’s Report and Recommendation (DE [13]) is AFFIRMED and ADOPTED. It is FURTHER ORDERED that Plaintiffs Objections to the Report and Recommendation (DE [16]) are OVERRULED.

All causes raised herein by the complaint are DISMISSED WITHOUT PREJUDICE. The Clerk of Court is directed to CLOSE this case and DENY AS MOOT any pending motions. DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 26 day of January 2026. \ UNITED STATES DISTRICT JUDGE Copies furnished counsel via CM/ECF