

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, ORLANDO DIVISION

Marlon Marcano and Yma Su-Ling Scarbriel v. Samir Paulino,
Kenneth Dale, and John Mina

Marcano · No. 6:24-cv-571-JSS-RMN · Decided December 31, 2025

SUMMARY

The United States District Court for the Middle District of Florida considers summary-judgment motions arising from the investigation of Miya Marcano’s disappearance and death. The court holds that the plaintiffs abandoned claims brought by Yma Su-Ling Scarbriel, survival damages claims, and equal-protection claims. It grants summary judgment on the remaining due-process claims, concluding that the plaintiffs lacked a protected entitlement to a particular police investigation and that the defendants’ conduct did not meet the constitutional standard for a substantive due-process violation.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Orlando Division
WRITING FOR THE COURT	Julie S. Sneed
JURISDICTION	United States District Court for the Middle District of Florida
DECIDED	December 31, 2025
DOCKET	6:24-cv-571-JSS-RMN
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants moved for summary judgment on plaintiffs' federal civil-rights claims and state-law negligence claim. The court granted summary judgment on the federal claims, struck abandoned survival-damages claims, denied the motions to dismiss as moot, and remanded the remaining state-law negligence claims to Florida state court.
STANDARD OF REVIEW	Summary judgment is appropriate when no genuine dispute of material fact exists and the moving party is entitled to judgment as a matter of law. The court viewed the evidence and drew reasonable factual inferences in the light most favorable to plaintiffs and did not weigh evidence or make factual findings.
PRECEDENTIAL VALUE	unpublished

PARTIES

Marlon Marcano, Yma Su-Ling Scarbriel v. Samir Paulino, Kenneth Dale, John Mina

TOPICS

section 1983 due process summary judgment qualified immunity civil procedure

PRACTICE AREAS

civil rights constitutional law civil procedure government liability torts

QUESTIONS PRESENTED

1. Whether plaintiffs established a procedural due-process claim under the Fourteenth Amendment based on defendants' alleged failure to investigate Miya Marcano's disappearance or follow internal law-enforcement policies.
2. Whether defendants' alleged failure to investigate and protect Miya constituted a conscience-shocking substantive-due-process violation.
3. Whether defendants were entitled to qualified immunity on any individual-capacity claims.
4. Whether official-capacity or municipal-liability claims could proceed absent an underlying constitutional violation.
5. Whether the remaining Florida negligence claims should be remanded after dismissal of all federal claims.

HOLDINGS

1. Plaintiffs could not maintain a procedural-due-process claim because they identified no constitutionally protected liberty or property interest in having defendants investigate Miya's disappearance or comply with internal police policies.
2. Defendants' alleged failure to investigate Miya's disappearance and protect her from private violence did not constitute a substantive-due-process violation because the conduct was not sufficiently arbitrary or conscience shocking and no applicable custodial or other special relationship created an affirmative constitutional duty to protect her.
3. Defendants were entitled to qualified immunity on any individual-capacity claims because plaintiffs failed to establish a constitutional violation.
4. The official-capacity and municipal-liability claims failed because plaintiffs did not establish an underlying constitutional violation.
5. The court remanded the remaining Florida negligence claims after resolving all federal claims before trial.

KEY QUOTATIONS

“Plaintiffs do not cite any source of law that provides a constitutionally protected interest in having Defendants investigate Miya’s disappearance or follow internal policy.” (Procedural Due Process section)

“In sum, “[t]he affirmative duty of protection that the Supreme Court rejected in DeShaney is precisely the duty [Plaintiffs] rel[y] on in this case.”” (Substantive Due Process section)

“The Clerk is DIRECTED to remand this case to the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, Case Number 2023-CA- 015475-O; to forward a certified copy of this order to that court; to terminate any motions and deadlines pending in this case; and to close the case file.” (Conclusion)

FACTUAL BACKGROUND

Nineteen-year-old Miya Marcano disappeared after apparently missing a flight, and her mother requested a police wellness check. Deputy Samir Paulino encountered multiple indicators of possible danger, including broken window locks, blood, a blocked bedroom door, disturbed furniture, broken jewelry, and information implicating a maintenance employee, but did not detain the employee, seek a vehicle-search warrant, or promptly escalate the investigation. Miya was later found dead, and an internal investigation concluded that Paulino and Corporal Kenneth Dale violated sheriff’s-office directives concerning the handling of her disappearance. Plaintiffs alleged that the officers’ conduct violated due process and that Sheriff John Mina was liable under state negligence law.

PROCEDURAL HISTORY

Plaintiffs initially filed the action in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida. Defendants removed the action to the Middle District of Florida based on federal-question and supplemental jurisdiction. Plaintiffs filed an amended complaint asserting Fourteenth Amendment due-process and equal-protection claims under 42 U.S.C. § 1983 and a Florida negligence claim against Mina. Plaintiffs abandoned Scarbriel’s claims, equal-protection claims, and survival-damages claims; the court entered summary judgment on the remaining federal claims and remanded the negligence claim.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk was directed to remand the remaining state-law negligence claims to the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, Case No. 2023-CA-015475-O, forward a certified copy of the order, terminate pending motions and deadlines, and close the federal case. Defendants’ motions for summary judgment were granted as to the federal claims, and the survival-damages claims were stricken.

CASES CITED

- *Mobley v. Palm Beach County Sheriff’s Department*, 783 F.3d 1347, 1352 (11th Cir. 2015)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)

- *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 195-97 (1989)
- *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 756, 768 (2005)
- *Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003)
- *Koger v. Florida*, 130 F. App'x 327, 335 (11th Cir. 2005)
- *Vinyard v. Wilson*, 311 F.3d 1340, 1356 (11th Cir. 2002)
- *Waddell v. Hendry County Sheriff's Office*, 329 F.3d 1300, 1305-06 (11th Cir. 2003)
- *County of Sacramento v. Lewis*, 523 U.S. 833, 846, 849 (1998)
- *Dacosta v. Nwachukwa*, 304 F.3d 1045, 1048 (11th Cir. 2002)
- *Pearson v. Callahan*, 555 U.S. 223, 232 (2009)
- *Vineyard v. County of Murray*, 990 F.2d 1207, 1210 n.3 (11th Cir. 1993)
- *Knight ex rel. Kerr v. Miami-Dade County*, 856 F.3d 795, 821 (11th Cir. 2017)
- *Carnegie-Mellon University v. Cohill*, 484 U.S. 343, 350 n.7 (1988)
- *Raney v. Allstate Insurance Co.*, 370 F.3d 1086, 1088-89 (11th Cir. 2004)
- *Jones v. Bank of America, N.A.*, 564 F. App'x 432, 434 (11th Cir. 2014)
- *Thomas v. City of Americus*, 2023 WL 2485464, at *3 (11th Cir. Mar. 14, 2023)
- *Aracena v. Gruler*, 347 F. Supp. 3d 1107, 1114-15 (M.D. Fla. 2018)
- *Wallace v. Dean*, 3 So. 3d 1035, 1046-52 (Fla. 2009)
- *Neal ex rel. Neal v. Fulton County Board of Education*, 229 F.3d 1069, 1074 (11th Cir. 2000)