

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA

Herlanka B. Jones v. Alabama Beverage Control Board, et al.

Jones · No. 2:24-CV-00506-BL-CWB · Decided May 4, 2026

SUMMARY

The United States District Court for the Middle District of Alabama overruled the plaintiff’s objections to a magistrate judge’s recommendation and adopted the recommendation. The court dismissed the action with prejudice under Federal Rule of Civil Procedure 41(b), concluding that the Fourth Amended Complaint remained a shotgun pleading and that the plaintiff had repeatedly failed to comply with court instructions. The court also denied all pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama
WRITING FOR THE COURT	Bill Lewis
JURISDICTION	United States District Court for the Middle District of Alabama
DECIDED	May 4, 2026
DOCKET	2:24-CV-00506-BL-CWB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed the plaintiff's objections to a magistrate judge's recommendation that the action be dismissed with prejudice because the Fourth Amended Complaint remained a shotgun pleading and failed to comply with prior court orders.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's recommendation to which specific objections were made under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	Unknown
PARTIES	Herlanka B. Jones v. Alabama Beverage Control Board, et al.

TOPICS

- pleadings
- civil procedure
- sanctions
- employment discrimination
- title vii

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Fourth Amended Complaint remained an impermissible shotgun pleading because it combined multiple causes of action in individual counts.
2. Whether the plaintiff's failure to comply with repeated pleading instructions justified dismissal with prejudice under Federal Rule of Civil Procedure 41(b).
3. Whether the plaintiff could assert ADEA and Title VII claims against individual employees rather than the employer.

HOLDINGS

1. The Fourth Amended Complaint was a shotgun pleading because at least two counts combined separate causes of action or theories of relief instead of separating them into distinct counts.
2. Dismissal with prejudice was warranted because the plaintiff repeatedly failed to comply with specific pleading instructions after multiple opportunities to amend, establishing a clear record of delay or willful contempt and showing that lesser sanctions would not suffice.
3. The plaintiff could not maintain ADEA or Title VII claims against individual employees because those statutes do not impose individual liability; such claims lie against the employer.

KEY QUOTATIONS

“Rule 41(b), FED. R. Civ. P., “authorizes the dismissal with prejudice of an action for failure to obey a court order or a federal rule.””

“The legal standard to be applied under Rule 41(b) is whether there is a clear record of delay or willful contempt and a finding that lesser sanctions would not suffice.”

“The Eleventh Circuit has held that the “third type of shotgun pleading is one that commits the sin of not separating into a different count each cause of action or claim for relief.””

FACTUAL BACKGROUND

Jones repeatedly amended her employment-discrimination complaint after being instructed to cure pleading deficiencies. Her Fourth Amended Complaint combined multiple causes of action within at least two counts and continued to assert Title VII and ADEA claims against individual defendants rather than solely against the alleged employer. The court found that she had received multiple opportunities and specific instructions to cure these deficiencies but failed to do so.

PROCEDURAL HISTORY

Jones filed a Fourth Amended Complaint on July 9, 2025. The magistrate judge recommended dismissal with prejudice, and Jones filed objections. The district court conducted de novo review of the objected-to portions, overruled the objections, adopted the recommendation, dismissed the action with prejudice, and denied pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- United States v. Raddatz, 447 U.S. 667, 673, 675 (1980)
- Weiland v. Palm Beach County Sheriff's Office, 792 F.3d 1313, 1320-23 (11th Cir. 2015)
- Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985)
- Albra v. Advan, Inc., 490 F.3d 826, 830 (11th Cir. 2007)
- Mason v. Stallings, 82 F.3d 1007, 1009 (11th Cir. 1996)
- Smith v. Lomax, 45 F.3d 402, 403 n.4 (11th Cir. 1995)

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