

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Thomas Burgess v. Deputy William Rothman

Burgess · No. 25-80494-CIV-SMITH · Decided January 30, 2026

SUMMARY

The United States District Court for the Southern District of Florida affirmed and adopted the magistrate judge’s report and recommendation recommending dismissal of Thomas Burgess’s claims against Deputy William Rothman. The court dismissed the Second Amended Complaint with prejudice, denied pending motions as moot, and closed the case because further amendment would be futile.

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 30, 2026
DOCKET	25-80494-CIV-SMITH
DISPOSITION	dismissed
PROCEDURAL POSTURE	District court review of a magistrate judge's report and recommendation on defendant's motion to dismiss and plaintiff's objections.
STANDARD OF REVIEW	De novo review of portions of the report and recommendation to which specific objections are made; the district court may accept, reject, or modify the magistrate judge's report and recommendation.
PRECEDENTIAL VALUE	unpublished
PARTIES	Thomas Burgess v. Deputy William Rothman

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- civil rights
- constitutional law

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether the magistrate judge's report and recommendation recommending dismissal with prejudice should be affirmed and adopted after de novo review of plaintiff's specific objections.
2. Whether the second amended complaint should be dismissed with prejudice because it failed to state a plausible constitutional claim and further amendment would be futile.

HOLDINGS

1. A district court may accept, reject, or modify a magistrate judge's report and recommendation, and portions to which specific objections are made receive de novo review.
2. The second amended complaint must be dismissed with prejudice because plaintiff failed, after three opportunities, to state a plausible claim for relief, and further amendment would be futile because the alleged facts could not support a constitutional violation.

KEY QUOTATIONS

“Furthermore, any amendment would be futile, as the facts Plaintiff alleges cannot support a claim for any kind of constitutional violation.”

“The Court, having considered Judge Reinhart’s Report, Plaintiff’s objections thereto, and having conducted a de novo review of the record, agrees with Judge Reinhart’s well-reasoned analysis and his recommendation that this case be dismissed with prejudice.”

FACTUAL BACKGROUND

Plaintiff Thomas Burgess filed a second amended complaint against Deputy William Rothman alleging facts that purportedly supported a constitutional violation. Plaintiff had been given three opportunities to advance a complaint stating a plausible claim for relief, but each attempt failed. The court concluded that the alleged facts could not support any kind of constitutional violation and that further amendment would therefore be futile.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal with prejudice after plaintiff had three opportunities to plead a plausible claim and failed to do so. The district court conducted de novo review of the portions to which plaintiff objected, affirmed and adopted the report and recommendation, dismissed the second amended complaint with prejudice, denied remaining motions as moot, and closed the case.

DISPOSITION

dismissed

CASES CITED

- United States v. Schultz, 565 F.3d 1353, 1360 (11th Cir. 2009)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 25-80494-CIV-SMITH THOMAS BURGESS, Plaintiff, v. DEPUTY WILLIAM ROTHMAN, Defendant. _____/ ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION This matter is before the Court upon the Magistrate Judge's Report and Recommendation [DE 53] on Defendant's Motion to Dismiss [DE 47] and Plaintiff's Objections [DE 57].

In his thorough and well-reasoned Report and Recommendation, Magistrate Judge Reinhart recommends that this case be DISMISSED with prejudice because the Plaintiff has had three opportunities to advance a complaint that states a plausible claim for relief, and he has failed to do so. Furthermore, any amendment would be futile, as the facts Plaintiff alleges cannot support a claim for any kind of constitutional violation.

A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objections are made are accorded de novo review, if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir.

2009); see also Fed. R. Civ. P. 72(b)(3). The Court, having considered Judge Reinhart's Report, Plaintiff's objections thereto, and having conducted a de novo review of the record, agrees with Judge Reinhart's well-reasoned analysis and his recommendation that this case be dismissed with prejudice.

Accordingly, it is ORDERED that: 1. The Magistrate Judge's Report and Recommendation to District Judge [DE 53] is AFFIRMED and ADOPTED and incorporated by reference into this Court's Order. 2. Th Second Amended Complaint [DE 46] is DISMISSED with prejudice. 3. All pending motions not otherwise ruled upon are DENIED as moot. 4. This case is CLOSED. DONE AND ORDERED in Fort Lauderdale, Florida on this 30th day of January 2026.

RODNEY SMITH UNITED STATES DISTRICT JUDGE ce: counsel of record