

**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.

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

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