

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

Jaime Scott v. Kimberly Sharpe Byrd et al.

Scott · No. 8:25-cv-1342-KKM-AEP · Decided January 27, 2026

SUMMARY

This order reviews and adopts, with modifications, a magistrate judge’s Report and Recommendation in Jaime Scott’s federal civil-rights action arising from a neighborhood dispute and related Florida state-court proceedings. The court denies Scott’s motion for clerk’s default, grants motions to dismiss, dismisses some claims with prejudice based on Rooker-Feldman, and concludes that other claims are barred by pleading deficiencies, service defects, and quasi-judicial immunity.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	Kathryn Kimball Mizelle
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	January 27, 2026
DOCKET	8:25-cv-1342-KKM-AEP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's Report and Recommendation concerning her motion for entry of clerk's default and defendants' motions to dismiss. The district court reviewed the objections, adopted the Report and Recommendation with modifications, denied the default motion, dismissed the amended complaint in part with prejudice and in part without prejudice, terminated several defendants, and granted plaintiff leave to amend against one defendant.
STANDARD OF REVIEW	The district court reviews timely and specific objections to factual findings by a magistrate judge de novo and reviews legal conclusions de novo, even absent an objection. A Rule 12(b)(6) dismissal is reviewed under the plausibility pleading standard, accepting well-pleaded factual allegations as true and construing them in the plaintiff's favor.

PRECEDENTIAL VALUE	unpublished
PARTIES	Jaime Scott v. Kimberly Sharpe Byrd, Sharyn Mary O'Melia, Dustin Anderson, Kemba Johnson Lewis, Beth Fahey, Stacey Osborne, Adrian Ramberac, Pasco County court system

TOPICS

[motions to dismiss](#)
[pleadings](#)
[service of process](#)
[default](#)
[section 1983](#)

PRACTICE AREAS

[civil procedure](#)
[civil rights](#)
[constitutional law](#)
[appellate procedure](#)
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QUESTIONS PRESENTED

1. Whether Scott properly served the judicial defendants so that entry of clerk's default was warranted.
2. Whether the amended complaint stated plausible claims under Rules 8 and 12(b)(6), or instead constituted an impermissible shotgun pleading.
3. Whether Scott's claims seeking to invalidate or enjoin enforcement of a state-court injunction were barred by the Rooker-Feldman doctrine.
4. Whether quasi-judicial immunity barred Scott's claims against the state court clerk officials.
5. Whether Scott's objections justified rejecting or modifying the magistrate judge's Report and Recommendation.

HOLDINGS

1. Default was properly denied because Scott did not properly serve the judicial defendants. Service by certified mail was insufficient under either Federal Rule of Civil Procedure 4(e) or Rule 4(j)(2).
2. The amended complaint failed to state plausible claims and was an impermissible shotgun pleading because it contained vague, conclusory, and immaterial allegations and failed to specify which defendants were responsible for which acts.
3. Rooker-Feldman barred Scott's claims seeking to declare the state-court judgment void or effectively nullify it through injunctive relief, and amendment of those counts would be futile.
4. Quasi-judicial immunity barred Scott's claims against Fahey, Ramberac, and Osborne because the alleged conduct involved duties integrally related to the judicial process.

KEY QUOTATIONS

“The ‘unifying characteristic of all types of shotgun pleadings,’ is that ‘they fail to . . . give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.’” (at 14)

“Indeed, they are so conclusory and vague that they constitute a shotgun pleading.” (at 22)

FACTUAL BACKGROUND

Scott alleged that her neighbor, Sharyn O'Melia, engaged in harassment, surveillance, intimidation, defamation, stalking, and related conduct, including directing surveillance devices toward Scott's home and sharing captured images. O'Melia obtained an ex parte Florida anti-stalking injunction against Scott, which Scott challenged as procedurally and constitutionally defective. Scott also alleged misconduct by state judges and clerk officials involving docket entries, service, access to records, and post-appeal rulings. She brought federal claims seeking to invalidate the state-court judgment and obtain damages, declaratory relief, and injunctions.

PROCEDURAL HISTORY

Scott filed this federal civil-rights action on May 27, 2025, arising from a Florida state-court anti-stalking injunction and related proceedings. The court denied her motion for a temporary restraining order and dismissed the original complaint without prejudice. Scott filed an amended complaint asserting seven counts under 42 U.S.C. §§ 1983, 1985, and 1986, as well as claims for declaratory and injunctive relief. A magistrate judge recommended denying default and granting dismissal; after Scott objected, the district court adopted the recommendation with modifications, dismissed Counts VI and VII with prejudice, dismissed the remaining claims without prejudice, terminated specified defendants, and permitted a further amendment against O'Melia.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Scott may file another amended complaint against O'Melia by February 10, 2026, addressing the deficiencies identified in the order and the Report and Recommendation. The amendment may not add new claims or new defendants; failure to timely amend or filing another shotgun complaint will result in dismissal without further notice.

CASES CITED

- *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992)
- *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994) (per curiam)
- *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019)
- *Colclough v. Gwinnett Pub. Schs.*, 734 F. App'x 660, 662 & n.2 (11th Cir. 2018) (per curiam)
- *United States v. Demesmin*, 2018 WL 1988864 (M.D. Fla. Mar. 14, 2018)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 557, 570 (2007)
- *Pielage v. McConnell*, 516 F.3d 1282, 1284 (11th Cir. 2008)
- *La Grasta v. First Union Sec., Inc.*, 358 F.3d 840, 845 (11th Cir. 2004)
- *Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1320-23 (11th Cir. 2015)
- *Cramer v. Florida*, 117 F.3d 1258, 1263 (11th Cir. 1997)
- *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1295 (11th Cir. 2018)
- *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989)

- Felton v. Winter Park Police Dep't, 2022 WL 8216907 (M.D. Fla. Aug. 2, 2022)
- Transp. & Gen. Ins. Co. v. Receiverships of Ins. Exch. of Ams., Inc., 576 So. 2d 1351, 1352 (Fla. 1st DCA 1991)
- Target Media Partners v. Specialty Mktg. Corp., 881 F.3d 1279, 1285-86 (11th Cir. 2018)
- Nicholson v. Shafe, 558 F.3d 1266, 1275, 1279 (11th Cir. 2009)
- Casale v. Tillman, 558 F.3d 1258, 1261 (11th Cir. 2009) (per curiam)
- Kasbekar v. Ivy Station Cmty. Ass'n, 2022 WL 17247551 (11th Cir. Nov. 28, 2022) (per curiam)
- Casey v. Bank of Am., N.A., 2013 WL 12126306 (S.D. Fla. Nov. 7, 2013)
- Curbelo v. Ullman, 571 So. 2d 443, 444 (Fla. 1990)
- Jenkins v. Clerk of Court, 150 F. App'x 988, 990 (11th Cir. 2005) (per curiam)
- Sturkey v. Florida, 2024 WL 1606893 (M.D. Fla. Mar. 25, 2024)
- Diaz-Granados v. Wright Med. Tech., Inc., 2016 WL 1090060 (M.D. Fla. Mar. 21, 2016)
- GJR Invs., Inc. v. Cnty. of Escambia, 132 F.3d 1359, 1369 (11th Cir. 1998)
- Randall v. Scott, 610 F.3d 701, 709 (11th Cir. 2010)
- Women's Emergency Network v. Bush, 323 F.3d 937, 949 (11th Cir. 2003)
- Luckey v. Harris, 860 F.2d 1012, 1015-16 (11th Cir. 1988)