

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

**Sheik Salaam El v. Arra Finance LLC, ICU Recovery, Auto Lounge
of Florida LLC and Crescent Auto Finance**

Sheik Salaam El · No. 3:25-cv-1358-JEP-SJH · Decided February 9, 2026

SUMMARY

The United States District Court for the Middle District of Florida adopts a magistrate judge’s Report and Recommendation recommending denial of the plaintiff’s application to proceed without prepaying fees or costs. The court dismisses the complaint without prejudice because the fee application was incomplete and the complaint was an impermissible shotgun pleading, then directs the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Jacksonville Division
WRITING FOR THE COURT	Jordan E. Pratt
JURISDICTION	United States District Court for the Middle District of Florida, Jacksonville Division
DECIDED	February 9, 2026
DOCKET	3:25-cv-1358-JEP-SJH
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending denial of the plaintiff's application to proceed without prepaying fees or costs and dismissal of the complaint without prejudice. No timely objections were filed.
STANDARD OF REVIEW	For portions of a magistrate judge's disposition that are properly objected to, the district court conducts de novo review under Federal Rule of Civil Procedure 72(b)(3) and 28 U.S.C. § 636(b). For unobjected-to factual and legal conclusions, the court reviews only for plain error and, if necessary, in the interests of justice.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

PARTIES

Sheik Salaam El v. Arra Finance LLC, ICU Recovery, Auto Lounge of Florida LLC, Crescent Auto Finance

TOPICS

pleadings

civil procedure

PRACTICE AREAS

civil procedure

consumer protection

QUESTIONS PRESENTED

1. What standard of review applies when a party does not timely object to a magistrate judge's Report and Recommendation?
2. Whether the magistrate judge's recommendation to deny the incomplete application to proceed without prepaying fees or costs and dismiss the shotgun complaint without prejudice should be adopted.

HOLDINGS

1. When a party fails to timely object to a magistrate judge's factual and legal conclusions, the district court need not conduct de novo review and reviews those portions only for plain error, if review is necessary in the interests of justice.
2. The court adopted the magistrate judge's recommendation, denied the plaintiff's incomplete application to proceed without prepaying fees or costs, and dismissed the complaint without prejudice because it was a shotgun pleading.

KEY QUOTATIONS

“However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions.”

“This Court reviews—for plain error and only if necessary, in the interests of justice—those portions of the Magistrate Judge’s findings to which no objection was filed.”

FACTUAL BACKGROUND

The plaintiff submitted an incomplete application to proceed without prepaying fees or costs. The complaint incorporated all preceding allegations into each count, which the magistrate judge characterized as a shotgun pleading. The plaintiff did not timely object to the magistrate judge's recommendations.

PROCEDURAL HISTORY

The plaintiff filed a complaint and an application to proceed in district court without prepaying fees or costs. The magistrate judge recommended denying the application because it was incomplete and recommended dismissal because the complaint was an impermissible shotgun pleading. After the plaintiff failed to object timely, the district court reviewed the record, adopted and confirmed the Report and Recommendation, denied the application, dismissed the complaint without prejudice, terminated pending motions, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Dupree v. Warden, 715 F.3d 1295, 1304–05 (11th Cir. 2013)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA JACKSONVILLE DIVISION SHEIK SALAAM EL, Plaintiff, v. Case No.: 3:25-cv-1358-JEP-SJH ARRA FINANCE LLC, ICU RECOVERY, AUTO LOUNGE OF FLORIDA LLC and CRESCENT AUTO FINANCE, Defendants. _____/ ORDER THIS CAUSE is before this Court on the Report and Recommendation (Doc. 4), entered by the assigned Magistrate Judge on January 14, 2026.

Therein, the Magistrate Judge recommends that Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (“Motion to Proceed,” Doc. 2) be denied and this case be dismissed without prejudice. (Doc. 4 at 1).

The Magistrate Judge explained that the Motion to Proceed is incomplete, (*id.* at 3), and the complaint is a shotgun pleading because each count incorporates by reference the allegations in all preceding counts, (*id.* at 3–4). Plaintiff did not timely file any objections. This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b).

Pursuant to the Federal Rules of Civil Procedure, this Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); see also § 636(b). However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions. See 11th Cir. R. 3-1.1 As such, this Court reviews—for plain error and only if necessary, in the interests of justice—those portions of the Magistrate Judge’s findings to which no objection was filed.

See *id.*; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate[judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304–05 (11th Cir. 2013) (recommending the adoption of what would become Eleventh Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not”).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report and Recommendation, this Court will accept and adopt the legal conclusions and factual findings recommended by the Magistrate Judge. 1 The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. (Doc.

4 at 5–6). Accordingly, it is ORDERED: 1. The Magistrate Judge's Report and Recommendation (Doc. 4) is ADOPTED and CONFIRMED as the opinion of this Court. 2. Plaintiffs Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Doc. 2) is DENIED. 3.

The Complaint (Doc. 1) is DISMISSED WITHOUT PREJUDICE. 4. The Clerk is directed to terminate any other pending motions and close this case. DONE and ORDERED in Jacksonville, Florida on February 9, 2026. JORDAN E. PRATT UNITED STATES DISTRICT JUDGE Copies: Pro Se Party -3-