

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Tarik Smith v. Miami-Dade, et al.

Smith v. Miami-Dade · No. 25-cv-22286-ALTMAN · Decided March 6, 2026

SUMMARY

The United States District Court for the Southern District of Florida denied the plaintiff’s motions seeking disqualification of the magistrate judge and vacatur of prior orders. The court adopted the magistrate judge’s Report and Recommendation, denying the plaintiff’s emergency-relief motions and granting dismissal of unserved defendants. The court also granted the defendants’ motion to dismiss the amended complaint without prejudice as a shotgun pleading and permitted the plaintiff to file a second amended complaint by March 21, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Roy K. Altman
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 6, 2026
DOCKET	25-cv-22286-ALTMAN
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court ruled on the plaintiff's motions, adopted a magistrate judge's report and recommendation, and granted the defendants' joint motion to dismiss the amended complaint.
STANDARD OF REVIEW	The district court reviewed properly objected-to portions of the magistrate judge's report and recommendation de novo and unobjected-to portions for clear error. The motion to dismiss was evaluated under the pleading requirements governing shotgun complaints, with the court dismissing without prejudice for inadequate notice and conclusory allegations.
PRECEDENTIAL VALUE	unpublished
PARTIES	Tarik Smith v. Miami-Dade, et al.

TOPICS

motions to dismiss

pleadings

civil procedure

injunctions

sanctions

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal law

remedies

QUESTIONS PRESENTED

1. Whether the plaintiff's motions to disqualify or recuse the magistrate judge and vacate her orders should be granted based on the plaintiff's alleged lack of consent and disagreement with prior rulings.
2. Whether the magistrate judge had authority to issue nondispositive orders and recommendations on dispositive matters without the parties' consent.
3. What standard of review applied to the magistrate judge's report and recommendation and whether the plaintiff's objection required rejection of the report.
4. Whether the plaintiff's motion to dismiss unserved defendants should be construed as a request for voluntary dismissal under Rule 41.
5. Whether the plaintiff's amended complaint was an impermissible shotgun pleading that failed to provide adequate notice of the claims and their factual grounds.
6. Whether the defendants' motion to dismiss was unopposed in substance because the plaintiff did not address its merits.

HOLDINGS

1. A district court may designate a magistrate judge to issue nondispositive orders and make recommendations on dispositive issues without the parties' consent. The plaintiff's failure to object to the magistrate judge's jurisdiction at the outset, together with the district court's designation, defeated his challenge to the magistrate judge's authority.
2. Properly filed objections require de novo review of the specified portions of a magistrate judge's report and recommendation, while unobjected-to portions are reviewed for clear error.
3. An amended complaint that fails to provide adequate notice of the claims and the grounds on which each claim rests may be dismissed without prejudice as a shotgun pleading.
4. A party's failure to respond to an argument or claim in a motion indicates that the argument or claim is unopposed and may be treated as abandoned.
5. The plaintiff's failure to confer with the affected parties before filing motions required denial of the motions under Southern District of Florida Local Rule 7.1(a)(3), subject to the rule's exceptions.

KEY QUOTATIONS

“A district court may designate a magistrate judge to issue nondispositive orders and make recommendations on dispositive issues, even without the parties’ consent.”

“When a party fails to respond to an argument or otherwise address a claim, the Court deems such argument or claim abandoned.”

“All shotgun pleadings share two characteristics. First, they “fail to one degree or another, and in one way or another, to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.””

FACTUAL BACKGROUND

Smith alleged that he was stopped and cited while driving his vehicle and that the stop lacked reasonable suspicion or probable cause. His amended complaint asserted an unlawful-seizure claim, a municipal-liability claim against Miami-Dade, a due-process claim based on a driver's license as a protected interest, and a supervisory-liability claim. The court found that the amended complaint supplied only one or two sentences per count and did not provide a factual basis identifying the conduct attributable to each defendant.

PROCEDURAL HISTORY

Smith filed an amended complaint asserting unlawful seizure, municipal liability, due process, and supervisory liability claims. He filed multiple motions challenging the magistrate judge's authority, sought a temporary restraining order, moved to dismiss unserved defendants, and objected to the magistrate judge's report and recommendation. The district court denied the motions challenging magistrate-judge authority, adopted the report and recommendation, denied the requested TRO, granted dismissal of unserved defendants, and dismissed the amended complaint without prejudice, allowing Smith to file a second amended complaint by March 21, 2026.

DISPOSITION

dismissed

CASES CITED

- McCarthy v. Forbes, 2025 WL 3211033, at *2 (S.D. Fla. Nov. 18, 2025)
- Edwards v. Darden Grp., Inc., 2025 WL 2598402, at *2 (S.D. Fla. Sept. 4, 2025)
- Wright v. Brown, 817 F. App'x 797, 799 (11th Cir. 2020)
- Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512-13 (11th Cir. 1990)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006)
- Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999)
- Leonard v. Polk Cnty. Sheriff's Dep't, 2019 WL 11641375, at *1 (M.D. Fla. Apr. 16, 2019)
- United States v. Tardon, 493 F. Supp. 3d 1188, 1209 (S.D. Fla. 2020)
- Marsden v. Moore, 847 F.2d 1536, 1548 (11th Cir. 1988)
- Lewis v. Smith, 855 F.2d 736, 738 (11th Cir. 1988)
- Spimerica Access Sols., LLC v. Palazzani Industrie, S.P.A., 2023 WL 5748160, at *1 (S.D. Fla. Sept. 6, 2023)
- Jones v. Bank of Am., N.A., 564 F. App'x 432, 434 (11th Cir. 2014)
- GJR Invs., Inc. v. Cnty. of Escambia, Fla., 132 F.3d 1359, 1369 (11th Cir. 1998)

- Embree v. Wyndham Worldwide Corp., 779 F. App'x 658, 662 (11th Cir. 2019)
- Weiland v. Palm Beach Cnty. Sheriff's Off., 792 F.3d 1313, 1323 (11th Cir. 2015)
- Vibe Micro, Inc. v. Shabanets, 878 F.3d 1291, 1295 (11th Cir. 2018)

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