

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

Alexander Justin McAfee v. State of Florida Attorney General, et al.

McAfee · No. 8:25-cv-2666-KKM-TGW · Decided December 9, 2025

SUMMARY

The United States District Court for the Middle District of Florida adopts a magistrate judge’s Report and Recommendation and dismisses Alexander Justin McAfee’s complaint with leave to amend. The court finds that the complaint is a shotgun pleading that fails to comply with Federal Rules of Civil Procedure 8 and 10 and does not establish that venue is proper in the Tampa Division. The court permits McAfee to file an amended complaint by December 23, 2025, warning that failure to amend or filing another shotgun pleading will result in dismissal.

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	December 9, 2025
DOCKET	8:25-cv-2666-KKM-TGW
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's Report and Recommendation recommending dismissal of a pro se complaint with leave to amend after the deadline for objections passed without an objection.
STANDARD OF REVIEW	A timely and specific objection to a magistrate judge's factual finding requires de novo review of that factual issue. Legal conclusions are reviewed de novo even absent an objection. In the absence of objections, the district court reviewed the factual allegations and legal conclusions and adopted the Report and Recommendation.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value

TOPICS

pleadings

venue

civil procedure

PRACTICE AREAS

Civil procedure

Federal courts

Pleading practice

Venue

QUESTIONS PRESENTED

1. Whether the complaint was an impermissible shotgun pleading that failed to comply with Federal Rules of Civil Procedure 8 and 10.
2. Whether the complaint demonstrated that venue was proper in the Middle District of Florida.
3. Whether the district court should adopt the magistrate judge's Report and Recommendation in the absence of objections.

HOLDINGS

1. The complaint was a shotgun pleading that failed to comply with Rules 8 and 10 because it required the court and defendants to sift through irrelevant information to determine what was material to the claims.
2. The complaint failed to demonstrate that venue in the Middle District of Florida was appropriate because the events giving rise to the claims occurred in Gainesville, Florida.
3. The district court may adopt a magistrate judge's Report and Recommendation after reviewing the factual allegations and legal conclusions when no timely objection is filed.

KEY QUOTATIONS

“sift through a multitude of irrelevant information” (R. & R. at 4)

FACTUAL BACKGROUND

Pro se plaintiff Alexander McAfee filed a complaint in the Middle District of Florida. The complaint required the court and defendants to sift through irrelevant information to determine what was material to the asserted claims, and the events giving rise to the claims occurred in Gainesville, Florida, creating a venue issue for the Tampa Division.

PROCEDURAL HISTORY

Alexander McAfee filed a pro se complaint. The magistrate judge recommended dismissal with leave to amend, concluding that the complaint was a shotgun pleading that failed to comply with Federal Rules of Civil Procedure 8 and 10 and did not establish that venue was proper in the Middle District of Florida. The district court conducted its review, adopted the Report and Recommendation, dismissed the complaint, and granted leave to file an amended complaint by December 23, 2025.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. McAfee may file an amended complaint by December 23, 2025, addressing the deficiencies identified in the Report and Recommendation and including allegations showing that venue in the district is appropriate. Failure to amend, or filing another shotgun complaint, will result in dismissal of the action.

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)
- Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019)

OPINION

McAfee

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

ALEXANDER JUSTIN McAFEE,

Plaintiff, v. Case No. 8:25-cv-2666-KKM-TGW State of Florida Attorney General, et al.
Defendants.

ORDER

The United States Magistrate Judge recommends, R. & R. (Doc. 3), dismissing pro se plaintiff Alexander McAfee's complaint, (Doc. 1), with leave to amend. The deadline to object has passed without an objection. After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review of that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even absent an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019). Absent an objection and after reviewing the factual allegations and legal conclusions, the Court adopts the Magistrate Judge's Report and Recommendation. As explained in the Report and Recommendation, the complaint is a shotgun pleading that fails to adhere to Rules 8 and 10 of the Federal Rules of Civil Procedure. See R. & R. at 3. The complaint forces the Court and defendants to "sift through a multitude of irrelevant information" to determine what is material to the claims asserted. *Jd.* at 4. Lastly, the complaint fails to demonstrate that venue in this district is appropriate since the events giving rise to the claim occurred in Gainesville, Florida. *Id.* at 5. Accordingly, the following is ORDERED:

1. The Magistrate Judge's Report and Recommendation (Doc. 3) is

ADOPTED and made a part of this Order for all purposes.

2. McAfee's Complaint (Doc. 1) is DISMISSED.

3. No later than December 23, 2025, McAfee may file an amended complaint addressing the deficiencies identified in the Report and Recommendation. Should he file an amended complaint, McAfee must include allegations showing that venue in this district is appropriate. If McAfee fails to file an amended complaint, or files another shotgun complaint, this action will be dismissed. ORDERED in Tampa, Florida, on December 9, 2025. Kathryn'Kimball Mizelle 9 Tettet Cintec Titeteet Tides