

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PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value

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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)

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