

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Robert James Schornik III v. Lee County Jail et al.

Schornik · No. 2:25-cv-1097-SPC-DNF · Decided December 22, 2025

SUMMARY

The United States District Court for the Middle District of Florida dismissed without prejudice Robert James Schornik III's amended 42 U.S.C. § 1983 complaint. The court held that claims concerning his pending state criminal proceedings were barred by Younger abstention and that alleged verbal threats by a jail officer did not state a constitutional claim; Schornik was granted 14 days to file a second amended complaint addressing any viable claims against jail officials.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	December 22, 2025
DOCKET	2:25-cv-1097-SPC-DNF
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court screened a pro se pretrial detainee's amended complaint filed in forma pauperis under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	Sua sponte screening under 28 U.S.C. § 1915(e)(2) to determine whether the complaint is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Robert James Schornik III v. Lee County Jail et al.

TOPICS

[section 1983](#) [civil rights](#) [comity](#) [federalism](#) [pleadings](#)

PRACTICE AREAS

[civil rights](#) [constitutional law](#) [criminal procedure](#) [federal jurisdiction](#)

QUESTIONS PRESENTED

1. Whether the district court could entertain § 1983 claims challenging Schornik's pending state criminal proceedings.
2. Whether an alleged threat of verbal abuse by a jail officer, without more, stated a constitutional claim under § 1983.
3. Whether the amended complaint should be dismissed under the in forma pauperis screening statute and whether leave to amend should be granted.

HOLDINGS

1. The district court abstained from interfering with Schornik's pending state criminal case under Younger principles and held that his claims concerning the arraignment and sentencing point sheet could not support a § 1983 claim in this action.
2. The allegation that Officer Heine threatened to slap Schornik, without an accompanying physical assault or other actionable conduct, failed to state a constitutional claim.
3. The amended complaint was dismissed without prejudice for failure to state a claim, but Schornik was permitted to file a second amended complaint within 14 days concerning potentially viable constitutional claims against jail officials.

KEY QUOTATIONS

“Federal courts are not intended as a “pre-trial motion forum for state prisoners.””

“Further, principles of equity, comity, and federalism require the Court to abstain from interfering in state criminal proceedings.”

“Count 3 fails because “verbal abuse alone is insufficient to state a constitutional claim.””

FACTUAL BACKGROUND

Schornik was a pretrial detainee at Lee County Jail with a pending state criminal case. He alleged that he was absent from his initial arraignment and that a prosecutor made an error in the sentencing point sheet. He also alleged that Officer Heine threatened to slap him after Schornik asked that his property be moved, and that Officers Perez and Scott covered up the incident.

PROCEDURAL HISTORY

Schornik filed an amended complaint under 42 U.S.C. § 1983 concerning his pending state criminal case and an alleged threat by a jail officer. The district court dismissed the amended complaint without prejudice for failure to state a claim, held that amendment of the claims challenging the state prosecution would be futile, and granted leave to file a second amended complaint within 14 days regarding any viable constitutional claims against jail officials.

DISPOSITION

dismissed

CASES CITED

- Braden v. 30th Judicial Circuit Court of Ky., 410 U.S. 484, 493 (1973)
- Younger v. Harris, 401 U.S. 37, 45 (1971)
- Hernandez v. Fla. Dep't of Corr., 281 F. App'x 862, 866 (11th Cir. 2008)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS DIVISION ROBERT JAMES SCHORNIK III, Plaintiff, v. Case No.: 2:25-cv-1097-SPC-DNF LEE COUNTY JAIL et al., Defendants. / OPINION AND ORDER Before the Court is Plaintiff Robert James Schornik III's Amended Complaint (Doc. 3). Schornik is a pretrial detainee in Lee County Jail pending a state criminal case.

He sues the jail, the Lee County public defender's office, the Lee County Circuit Court, and four jail officials under 42 U.S.C. § 1983. Schornik is litigating in forma pauperis, so the Court must review the complaint sua sponte to determine whether it is frivolous or malicious, fails to state a claim, or seeks monetary damages against a party who is immune from such relief.

See 28 U.S.C. 1915(e)(2). Schornik asserts three claims. The first two regard his pending state criminal case. In Count 1, Schornik complains he was not present at his initial arraignment, and in Count 2, he claims the state prosecutor made a mistake in the point sheet used to calculate the potential sentencing range. Federal courts are not intended as a "pre-trial motion forum for state prisoners." Braden v. 30th Judicial Circuit Court of Ky., 410 U.S. 484, 493 (1973).

Further, principles of equity, comity, and federalism require the Court to abstain from interfering in state criminal proceedings. See Younger v. Harris, 401 U.S. 37, 45 (1971). Schornik provides no reason for this Court to overlook the abstention principle. Nor does he allege any facts that warrant application of any exception to the Younger doctrine.

The state criminal court is the proper place for Schornik to raise concerns about his pending criminal case. If Schornik is convicted, he may collaterally attack any resulting incarceration by filing a petition for a writ of habeas corpus after exhausting state remedies. But the allegations in his first two counts cannot support a § 1983 claim.

In Count 3, Schornik claims Officer Heine assaulted him by threatening bodily harm. On July 29, 2025, Schornik was transferred to a cell supervised by Heine. When Schornik asked for his property to be moved to his new cell, Heine threatened to "slap the shit out of" him. (Doc. 1 at 7). Schornik reported the incident, and he accuses officers Perez and Scott of covering it up.

Count 3 fails because “verbal abuse alone is insufficient to state a constitutional claim.” *Hernandez v. Fla. Dep’t of Corr.*, 281 F. App’x 862, 866 (11th Cir. 2008). For these reasons, the Court will dismiss Schornik’s complaint for failure to state a claim.

As the Court explained above, Schornik may not challenge his pending state criminal case in this action, so amending those claims would be futile. But if Schornik believes jail officials have violated his constitutional rights, he may file an amended complaint.

Accordingly, it is now ORDERED: Plaintiff Robert James Schornik III’s Amended Complaint (Doe. 3) is DISMISSED without prejudice. Schornik may file a second amended complaint within 14 days of this Order. Otherwise, the Court will enter judgment and close this case without further notice. DONE and ORDERED in Fort Myers, Florida on December 22, 2025. UNITED STATES DISTRICT JUDGE SA: FTMP-1 Copies: All Parties of Record