

**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

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