

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Charmaine Floyd v. Bobby Islex

Floyd · No. 1:25-cv-26031-LEIBOWITZ/ELFENBEIN · Decided January 22, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopted the magistrate judge’s report and recommendation and dismissed Charmaine Floyd’s complaint without prejudice for failure to pay the filing fee or submit an application to proceed in forma pauperis. The court found no clear error, closed the case, denied pending motions as moot, and terminated all deadlines.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	David S. Leibowitz
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	January 22, 2026
DOCKET	1:25-cv-26031-LEIBOWITZ/ELFENBEIN
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal of the complaint without prejudice for failure to pay the filing fee or submit an application to proceed in forma pauperis. No objections were filed.
STANDARD OF REVIEW	When specific objections are filed, the district court reviews the objected-to portions de novo; portions to which no objection is made are reviewed for clear error.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Charmaine Floyd v. Bobby Islex

TOPICS

- motions to dismiss
- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- in forma pauperis procedure

QUESTIONS PRESENTED

1. What standard of review applies to a magistrate judge's report and recommendation when no objections are filed?
2. Whether the report and recommendation recommending dismissal without prejudice for failure to pay the filing fee or submit an application to proceed in forma pauperis should be adopted.

HOLDINGS

1. When no objections are filed, the district court reviews the report and recommendation for clear error rather than conducting de novo review.
2. The report and recommendation was adopted in its entirety, and the complaint was dismissed without prejudice because Plaintiff failed to pay the filing fee or submit an application to proceed in forma pauperis.

KEY QUOTATIONS

“In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection.” (at 783)

“Once a district court receives “objections meeting the specificity requirement set out above,” it must “make a de novo determination of those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.”” (at 783–84)

FACTUAL BACKGROUND

Plaintiff filed a complaint but did not pay the filing fee or submit an application to proceed in forma pauperis. The magistrate judge recommended dismissal without prejudice. Plaintiff did not object to the report and recommendation during the fourteen-day objection period.

PROCEDURAL HISTORY

Magistrate Judge Marty Fulguiera Elfenbein issued a report and recommendation on January 6, 2026, recommending dismissal without prejudice because Plaintiff had neither paid the filing fee nor submitted an application to proceed in forma pauperis. Plaintiff filed no objections within the fourteen-day period. The district court adopted and affirmed the report and recommendation, dismissed the complaint without prejudice, and closed the case.

DISPOSITION

dismissed

CASES CITED

- *Macort v. Prem, Inc.*, 208 F. App'x 781 (11th Cir. 2006)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 1:25-cv-26031-LEIBOWITZ/ELFENBEIN CHARMAINE FLOYD, Plaintiff, v. BOBBY ISLEX, Defendant. _____/ ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION THIS CAUSE is before the Court upon the Report and Recommendation by United States Magistrate Judge Marty Fulgueira Elfenbein [ECF No. 4] (the "R&R"), filed on January 6, 2026.

Judge Elfenbein recommends dismissing Plaintiff's Complaint without prejudice for failure to pay the filing fee or submit an application to proceed in forma pauperis. No objections to the R&R were filed during the 14-day objection period. Upon due consideration of the R&R, the filings, the applicable law, and the record, the Court ADOPTS and AFFIRMS the R&R [ECF No. 4]. "In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection." *Macort v. Prem, Inc.*, 208 F. App'x 781, 783 (11th Cir.

2006) (cleaned up). The objections must also present "supporting legal authority." S.D. Fla. L. Mag. J.R. 4(b). Once a district court receives "objections meeting the specificity requirement set out above," it must "make a de novo determination of those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." *Macort*, 208 F. App'x at 783–84 (cleaned up).

To the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error. *Id.* at 784 (cleaned up). The parties have not submitted any objections to Judge Elfenbein's R&R, and the time to do so has passed.

As such, the Court has reviewed the R&R for clear error only. Upon this review, the Court finds not only no clear error but also notes that Judge Elfenbein's R&R is thorough, cogent, and compelling. 'The Court adopts the R&R in its entirety.

Accordingly, it is hereby ORDERED AND ADJUDGED as follows: 1. The Magistrate Judge's Report and Recommendation [ECF No. 4] is ADOPTED and made a part of this Order for all purposes. 2. Plaintiffs Complaint [ECF No. 1] is DISMISSED without prejudice. 3.

The Clerk is directed to mail a copy of this Order to Plaintiff. 4. The Clerk is further directed to CLOSE this case. Any pending motions are DENIED as moot, and all deadlines are TERMINATED. DONE AND ORDERED in the Southern District of Florida on January 21, 2026. eeeiant sees = DAVID S. LEIBOWITZ UNITED STATES DISTRICT JUDGE cc: counsel of record Charmaine Floyd 1243 N.W.

100 Terrence Miami, FL 33147 PRO SE

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-southern-district-of-florida-united-states-district-court-for-t/2026/charmaine-floyd-v-bobby-islex-ir7wgmwe>