

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)

