

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Alberonick Valsaint v. James W. Uthmeier and Katherine Fernandez-
Rundle

Valsaint · No. 25-cv-23806-BLOOM/Louis · Decided March 26, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopted a magistrate judge’s Report and Recommendation concerning the plaintiff’s second motion to proceed in forma pauperis. The court denied the motion and dismissed the amended complaint without prejudice as a shotgun pleading that failed to satisfy Federal Rule of Civil Procedure 8(a), while permitting the plaintiff to file another amended complaint by April 16, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Beth Bloom
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 26, 2026
DOCKET	25-cv-23806-BLOOM/Louis
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning Plaintiff's second motion to proceed in forma pauperis and Plaintiff's amended complaint. No party filed objections.
STANDARD OF REVIEW	Unobjected-to portions of a magistrate judge's report and recommendation are reviewed for clear error. Objected-to portions are reviewed de novo only when the objections pinpoint the specific findings with which the party disagrees.
PRECEDENTIAL VALUE	unpublished
PARTIES	Alberonick Valsaint v. James W. Uthmeier, in his official capacity as State of Florida Attorney General, Katherine Fernandez-Rundle, in her official capacity as Miami-Dade County State Attorney

TOPICS

pleadings

civil procedure

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. What standard of review applies to portions of a magistrate judge's Report and Recommendation to which no party objects?
2. Whether the Report and Recommendation should be adopted.
3. Whether Plaintiff's second motion to proceed in forma pauperis should be denied and the amended complaint dismissed without prejudice for failure to comply with Federal Rule of Civil Procedure 8(a).

HOLDINGS

1. When no party objects to a portion of a magistrate judge's report and recommendation, the district court reviews that portion for clear error. Any properly specific objection would receive de novo review.
2. A shotgun pleading that fails to satisfy Federal Rule of Civil Procedure 8(a) may be dismissed without prejudice.
3. The Report and Recommendation was adopted, Plaintiff's second motion to proceed in forma pauperis was denied, and the case was dismissed without prejudice, with leave to file a compliant amended complaint.

KEY QUOTATIONS

"If a party fails to object to any portion of the magistrate judge's report, those portions are reviewed for clear error."

"The Court therefore agrees with the analysis in the R&R and concludes that the second Motion to Proceed in forma pauperis, ECF No. [13], must be denied and Plaintiff's Amended Complaint, ECF No. [4], must be dismissed without prejudice because it is a shotgun pleading that fails to satisfy Federal Rule of Civil Procedure 8(a)."

FACTUAL BACKGROUND

Plaintiff filed an amended complaint and a second motion for leave to proceed in forma pauperis. The district court determined, adopting the magistrate judge's analysis, that the amended complaint was a shotgun pleading and did not satisfy Federal Rule of Civil Procedure 8(a).

PROCEDURAL HISTORY

Plaintiff filed an amended complaint and a second motion for leave to proceed in forma pauperis. The motion was referred to Magistrate Judge Lauren Fleischer Louis, who recommended granting the motion. After reviewing the unobjected-to Report and Recommendation, the district court adopted it, denied the motion,

dismissed the case without prejudice because the amended complaint was a shotgun pleading that failed to satisfy Federal Rule of Civil Procedure 8(a), and permitted Plaintiff to file another amended complaint by April 16, 2026.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. Plaintiff may file an amended complaint consistent with the Report and Recommendation and the court's order no later than April 16, 2026. The case was administratively closed.

CASES CITED

- Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006)
- Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999)
- United States v. Schultz, 565 F.3d 1353, 1360 (11th Cir. 2009)
- Williams v. McNeil, 557 F.3d 1287, 1291 (11th Cir. 2009)