

**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

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA Case No. 25-cv-23806-BLOOM/Louis ALBERONICK VALSAINT, Plaintiff, v. JAMES W. UTHMEIER, in His official capacity as State of Florida Attorney General and KATHERINE FERNANDEZ-RUNDLE, in her Official Capacity as Miami-Dade County State Attorney, Defendants.

_____/ ORDER ON REPORT AND RECOMMENDATIONS ON MOTION TO PROCEED IN FORMA PAUPERIS THIS CAUSE is before the Court upon Plaintiff's Amended Complaint, ECF No. [4], and second Motion for Leave to Proceed in forma pauperis, ECF No. [13].

On December 9, 2025, the Motion was referred to United States Magistrate Judge Lauren Fleischer Louis, ECF No. [18]. On March 11, 2026, Judge Louis issued a Report and Recommendation ("R&R"), ECF No. [20], recommending that the Motion be granted. None of the Parties filed objections to the R&R. "If a party fails to object to any portion of the magistrate judge's report, those portions are reviewed for clear error." *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir.

2006) (quoting *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)). The portions of the report and recommendation to which an objection is made are reviewed de novo only if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); see also *Fed. R. Civ. P. 72(b)(3)*; *Williams v. McNeil*, 557 F.3d 1287, 1291 (11th Cir.

2009) (citing 28 U.S.C. § 636(b)(1)). Nevertheless, the Court is fully advised in Case No. 25-cv-23806-BLOOM/Louis the premises of the R&R. Upon review, the Court finds the R&R to be well reasoned and correct. 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).

Accordingly, it is ORDERED AND ADJUDGED as follows: 1. The Report and Recommendation, ECF No. [20], is ADOPTED. 2. Plaintiff's Motion, ECF No. [13], is DENIED. 3. This case is

DISMISSED WITHOUT PREJUDICE. Plaintiff may file an Amended Complaint in accordance with the R&R, and this Court's Order, no later than April 16, 2026.

The failure to file an Amended Complaint will result in dismissal of this case without prejudice and without further notice. 4. The Clerk shall Administratively CLOSE the case. DONE AND ORDERED in Chambers at Miami, Florida, on March 26, 2026. BETHBLOOM =——<“i—
i“CSO UNITED STATES DISTRICT JUDGE Copies to: Counsel of Record Alberonick Valsaint
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