

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Ciara Dormeus v. Miami-Dade County et al.

Case No. 25-cv-22496-BLOOM/Elfenbein (S.D. Fla. Feb. 25, 2026) · No. 25-cv-22496-BLOOM/Elfenbein ·
Decided February 25, 2026

SUMMARY

The United States District Court for the Southern District of Florida denies Ciara Dormeus’s motion for leave to file an amended complaint after the court previously dismissed her claims under Rule 12(b)(6). The court concludes that amendment is procedurally improper because the prior dismissal was presumed to be with prejudice and, alternatively, that amendment would be futile because the allegations do not overcome arguable probable cause for the arrest or adequately establish a constitutional malicious-prosecution claim.

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	February 25, 2026
DOCKET	25-cv-22496-BLOOM/Elfenbein
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file an amended complaint after the Court dismissed the original complaint under Federal Rule of Civil Procedure 12(b)(6) and closed the case. The Court denied leave to amend, concluding that amendment was procedurally unavailable and independently futile.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is generally freely given when justice so requires, but may be denied for reasons including futility. An amendment is futile when the amended complaint would still be subject to dismissal as a matter of law. At the pleading stage, the Court evaluated whether the proposed allegations plausibly established the absence of arguable probable cause and whether alleged omissions from the arrest affidavit were material to the probable-cause determination.

PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Ciara Dormeus v. Miami-Dade County, Luis Vasquez, Bryan Portillo, Pablo Buduen, Dorain Heyliger

TOPICS

[motion to amend](#)
[civil procedure](#)
[section 1983](#)
[qualified immunity](#)
[police misconduct](#)

PRACTICE AREAS

[civil procedure](#)
[civil rights](#)
[constitutional law](#)

QUESTIONS PRESENTED

1. Whether Plaintiff could seek leave to amend after the Court dismissed the complaint under Rule 12(b)(6) and closed the case without expressly stating that dismissal was with prejudice.
2. Whether the proposed amendment was futile because the body-worn-camera footage established arguable probable cause for Plaintiff's arrest.
3. Whether the proposed allegations concerning omissions from the arrest affidavit plausibly established that the probable-cause determination supporting Plaintiff's continued pretrial detention was tainted.
4. Whether Plaintiff's proposed federal and state malicious-prosecution claims, and her § 1983 failure-to-intervene claim, could proceed.

HOLDINGS

1. A dismissal for failure to state a claim under Rule 12(b)(6) is an adjudication on the merits and is presumed to be with prejudice unless the district court specifies otherwise. When the complaint has been dismissed and the case closed, the plaintiff's subsequent right to amend under Rule 15(a) is foreclosed.
2. The proposed amendment was futile because the body-worn-camera footage showed conduct from which a reasonable officer could have believed that probable cause existed to arrest Plaintiff for battery. The officers' subjective belief that probable cause was lacking did not negate arguable probable cause.
3. The proposed allegations did not plausibly establish a Fourth Amendment violation or the absence of probable cause for continued detention. The omitted facts—the deputy's subjective doubts, objections to the arrest, and the supervisor's directive—were not material because they would not have altered the magistrate judge's objective probable-cause determination.
4. The proposed § 1983 malicious-prosecution claim could not be based on Plaintiff's initial warrantless arrest because that arrest was not pursuant to legal process. The claim could theoretically rely on continued pretrial detention following a probable-cause hearing, but Plaintiff failed to plausibly allege that the hearing or arrest affidavit was tainted in a material way.
5. The proposed § 1983 failure-to-intervene claim was futile because Plaintiff did not plausibly allege an underlying constitutional violation.

KEY QUOTATIONS

“Therefore, because the presumption is that a dismissal under Rule 12(b)(6) is a dismissal with prejudice, the Court need not specify that the dismissal is with prejudice or otherwise provide an explanation for why the dismissal is with prejudice, particularly where Plaintiff did not previously seek leave to amend.” (Section III.A)

“An officer’s observation of the prima facie elements of a crime is more than enough to establish arguable probable cause to make an arrest, even where a plaintiff has provided the officers with an innocent explanation for the criminal conduct.” (Section III.B.a)

“Accordingly, because the alleged omissions in Heyliger’s arrest affidavit were not material and were not capable of undermining the magistrate judge’s finding of probable cause, Plaintiff’s continued pre-trial detention does not establish a plausible Fourth Amendment violation or the absence of probable cause necessary to state a claim for malicious prosecution under either § 1983 or Florida law.” (Section III.B.b)

FACTUAL BACKGROUND

The case arose from an altercation at a beauty salon during a dispute over service charges. Plaintiff alleged that an off-duty officer physically restrained her and that, after deputies arrived, a supervisor directed them to arrest Plaintiff for battery despite the deputies' concerns about probable cause. The Court's prior review of body-worn-camera footage showed Plaintiff aggressively shoving the off-duty officer, conduct the Court concluded could establish arguable probable cause for battery. Plaintiff's proposed amended complaint added allegations that the arresting deputy omitted the deputies' subjective doubts and the supervisor's directive from the arrest affidavit used at the probable-cause hearing.

PROCEDURAL HISTORY

Plaintiff's original complaint asserted federal and Florida claims arising from her arrest at a beauty salon, including false arrest, false imprisonment, malicious prosecution, and failure to intervene. The Court previously granted Defendants' motion to dismiss, relying in part on body-worn-camera footage showing conduct supporting arguable probable cause. Plaintiff then moved for leave to amend, proposing additional allegations concerning the officers' lack of probable cause and omissions from the arrest affidavit. The Court denied the motion and ordered the case closed.

DISPOSITION

other

CASES CITED

- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Garfield v. NDC Health Corp.*, 466 F.3d 1255, 1270 (11th Cir. 2006)
- *Rivas v. Bank of N.Y. Mellon*, 777 F. App'x 958, 965 (11th Cir. 2019)
- *Cockrell v. Sparks*, 510 F.3d 1307, 1310 (11th Cir. 2007)
- *Burger King Corp. v. Weaver*, 169 F.3d 1310, 1315 (11th Cir. 1999)

- N.A.A.C.P. v. Hunt, 891 F.2d 1555, 1560 (11th Cir. 1990)
- Federated Department Stores, Inc. v. Moitie, 452 U.S. 394, 399 n.3 (1981)
- Radiology, Inc. v. Toshiba America Medical Systems, Inc., 673 F. App'x 925, 929 (11th Cir. 2016)
- Semtek International Inc. v. Lockheed Martin Corp., 531 U.S. 497, 505 (2001)
- Isaac Hayes Enterprises, LLC v. Trump, No. 1:24-CV-3639-TWT, 2025 WL 3231625, at *1 (N.D. Ga. Nov. 19, 2025)
- Czeremcha v. International Association of Machinists & Aerospace Workers, AFL-CIO, 724 F.2d 1552, 1556 (11th Cir. 1984)
- Von Stein v. Brescher, 904 F.2d 572, 578-579 (11th Cir. 1990)
- Andrews v. Marshall, 845 F. App'x 849, 853, 855 n.3 (11th Cir. 2021)
- Grider v. City of Auburn, 618 F.3d 1240, 1257 (11th Cir. 2010)
- Lee v. Ferraro, 284 F.3d 1188, 1195 (11th Cir. 2002)
- Scarbrough v. Myles, 245 F.3d 1299, 1302 (11th Cir. 2001)
- Huebner v. Bradshaw, 935 F.3d 1183, 1188 (11th Cir. 2019)
- Davis v. City of Apopka, 78 F.4th 1326, 1336, 1345 n.4 (11th Cir. 2023)
- Panetta v. Crowley, 460 F.3d 388, 395-396 (2d Cir. 2006)
- District of Columbia v. Wesby, 583 U.S. 48, 68 (2018)
- Richmond v. Badia, 47 F.4th 1172, 1181 (11th Cir. 2022)
- Wolk v. Seminole County, 276 F. App'x 898, 900 (11th Cir. 2008)
- Wilkerson v. Seymour, 736 F.3d 974, 978-979 (11th Cir. 2013)
- Durruthy v. Pastor, 351 F.3d 1080, 1089 & n.6 (11th Cir. 2003)
- William v. Aguirre, 965 F.3d 1147, 1160 (11th Cir. 2020)
- Devenpeck v. Alford, 543 U.S. 146, 153-155 (2004)
- Gervin v. Florence, 139 F.4th 1236, 1248, 1262 (11th Cir. 2025)
- Washington v. Howard, 25 F.4th 891, 907 (11th Cir. 2022)
- Paez v. Mulvey, 915 F.3d 1276, 1287 (11th Cir. 2019)
- Sebastian v. Maynard, No. 5:10-CV-221, 2011 WL 5120401, at *2 (M.D. Ga. Sept. 9, 2011)
- Llauro v. Tony, 470 F. Supp. 3d 1300, 1312 (S.D. Fla. 2020)
- Burger King Corp. v. Ashland Equities, Inc., 181 F. Supp. 2d 1366, 1370 (S.D. Fla. 2002)
- Z.K. Marine Inc. v. M/V Archigetis, 808 F. Supp. 1561, 1563 (S.D. Fla. 1992)
- Swinford v. Santos, 121 F.4th 179, 188 (11th Cir. 2024)
- Johnson v. City of Atlanta, 107 F.4th 1292, 1301 (11th Cir. 2024)
- Ford v. Smitherman, 699 F. Supp. 3d 1173, 1183 (M.D. Ala. 2023)
- Sebastian v. Ortiz, 918 F.3d 1301, 1312 (11th Cir. 2019)