

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Keith Robert Doherty v. Deputy Borrow and Sergeant Phillips

Doherty v. Borrow and Phillips, No. 23-cv-14395-ALTMAN (S.D. Fla. Jan. 21, 2026) · No. 23-cv-14395-ALTMAN · Decided January 21, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopts a magistrate judge’s Report and Recommendation and dismisses Keith Robert Doherty’s civil-rights action with prejudice. The court finds a clear record of delay and willful misconduct based on Doherty’s failure to disclose litigation history, failure to appear at an evidentiary hearing, repeated failures to comply with court orders, improper ex parte communications, and failure to timely update his address. The dismissal is imposed under Federal Rule of Civil Procedure 41(b), with the court concluding that lesser sanctions would be inadequate.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Roy K. Altman
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	January 21, 2026
DOCKET	23-cv-14395-ALTMAN
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal with prejudice under Federal Rule of Civil Procedure 41(b). The plaintiff did not timely file substantive objections, so the court reviewed the recommendation for clear error and adopted it.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's disposition, the district court reviews the recommendation for clear error on the face of the record. Failure to object after notice also precludes a later attack on the magistrate judge's factual findings.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

sanctions

civil procedure

PRACTICE AREAS

civil procedure

sanctions

failure to prosecute

magistrate judge review

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Report and Recommendation for clear error because the plaintiff failed to file timely substantive objections.
2. Whether dismissal with prejudice under Federal Rule of Civil Procedure 41(b) was warranted based on a clear record of delay or willful misconduct and the inadequacy of lesser sanctions.
3. Whether the plaintiff's repeated failure to appear, failure to comply with court orders, improper ex parte communications, failure to update his address, and other conduct justified dismissal as a sanction.

HOLDINGS

1. When a party does not timely file substantive objections to a magistrate judge's disposition, the district court need only review the recommendation for clear error on the face of the record.
2. Dismissal with prejudice is appropriate when the record demonstrates delay or willful conduct and lesser sanctions would be inadequate, particularly where the plaintiff repeatedly and flagrantly disobeys court orders after warnings.

KEY QUOTATIONS

“Dismissal with prejudice under Federal Rule of Civil Procedure 41(b) is appropriate where “the district court finds a clear record of delay or willful conduct and that lesser sanctions are inadequate to correct such conduct.”” (Analysis)

“Still, “dismissal of a case with prejudice is considered a sanction of last resort, applicable only in extreme circumstances.”” (Analysis)

“This case is DISMISSED with prejudice because of Doherty’s willful, flagrant, and repeated failure to comply with court orders.” (Disposition)

FACTUAL BACKGROUND

The plaintiff failed to disclose a prior New York civil-rights action concerning jail conditions and later made a statement about that omission that the court found false. He failed to appear at a scheduled evidentiary hearing, did not provide the ordered documentation supporting his asserted health and PACER-access excuses, repeatedly contacted chambers ex parte despite orders requiring written motions, and failed to timely update his address. He also failed to file substantive objections to the magistrate judge's recommendation despite receiving an extension and warning that noncompliance could result in dismissal.

PROCEDURAL HISTORY

The case was referred to Magistrate Judge Bruce E. Reinhart for an evidentiary hearing and a Report and Recommendation concerning possible dismissal based on the plaintiff's failure to disclose litigation history and alleged misrepresentations. After the plaintiff failed to appear at the hearing and repeatedly failed to comply with orders requiring explanations and supporting documentation, the magistrate judge recommended dismissal with prejudice. The district court granted an extension for objections, but the plaintiff filed none and the court adopted the recommendation, dismissed the action with prejudice, denied pending motions as moot, terminated deadlines, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Lewis v. Smith, 855 F.2d 736, 738 (11th Cir. 1988)
- Zocaras v. Castro, 465 F.3d 479, 483 (11th Cir. 2006)
- Betty K Agencies, Ltd. v. M/V Monada, 432 F.3d 1333, 1337 (11th Cir. 2005)
- Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985)
- McKelvey v. AT&T Techs., Inc., 789 F.2d 1518, 1520 (11th Cir. 1986)
- Moon v. Newsome, 863 F.2d 835, 838-39 (11th Cir. 1989)
- Smith v. Johnson, 2013 WL 6835199, at *2 (M.D. Ga. Dec. 20, 2013)
- Rosa v. Cook, 2024 WL 3718264, at *6 (D. Conn. Aug. 8, 2024)
- Roman v. City of Reading, 121 F. App'x 955, 960 (3d Cir. 2005)
- Young Again Prods., Inc. v. Acord, 459 F. App'x 294, 303 (4th Cir. 2011)
- Mut. Fed. Sav. & Loan Ass'n v. Richards & Assoc., Inc., 872 F.2d 88, 93 (4th Cir. 1989)
- Archie v. Dep't of Corr., 2015 WL 333299, at *2 (D.N.J. Jan. 23, 2015)
- Davis v. Shockey, 2023 WL 11983234, at *3 (M.D. Pa. Jan. 4, 2023)
- Ward v. Loveberry, 2024 WL 4229104, at *1 (W.D. Mich. Aug. 19, 2024)
- Germany v. City of Huntsville, 2024 WL 126816, at *9 (11th Cir. Jan. 11, 2024)
- Gratton v. Great Am. Commc'ns, 178 F.3d 1373, 1374 (11th Cir. 1999)
- Tobias v. Two Recs. of Lien, 2001 WL 1871161, at *4 (M.D. Fla. Nov. 13, 2001)
- Amerson v. Comm'r, Ga. Dep't of Corr., 2022 WL 628418, at *5 (11th Cir. Mar. 4, 2022)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629 (1962)