

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Ayatollah Hylton v. Chivone Janee Hylton, et al.

Hylton · No. 25-CV-62206-WPD · Decided May 8, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopts a magistrate judge’s report and recommendation, overrules the plaintiff’s objections, and upholds dismissal of the second amended complaint. The court also denies the plaintiff’s motion to alter or amend the judgment and request for judicial notice, leaving the case closed.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	William P. Dimitrouleas
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	May 8, 2026
DOCKET	25-CV-62206-WPD
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation de novo after Plaintiff filed objections. The court adopted the Report, overruled the objections, denied Plaintiff's motion to alter or amend the judgment and request for judicial notice, and left the case closed.
STANDARD OF REVIEW	De novo review of the portions of a magistrate judge's report and recommendation to which timely and specific objections are made, pursuant to 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unknown

TOPICS

- motion for reconsideration
- pleadings
- motion to amend
- civil procedure

PRACTICE AREAS

- civil procedure
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation after conducting de novo review of Plaintiff's objections.
2. Whether Plaintiff's motion to alter or amend the judgment should be granted based on the asserted grounds for reconsideration.
3. Whether Plaintiff's request for judicial notice should be granted.

HOLDINGS

1. When a party makes a timely and specific objection to a magistrate judge's finding or recommendation, the district court must conduct de novo review of the objected-to portions.
2. The Second Amended Complaint should be dismissed with prejudice because Plaintiff failed to state a claim despite having multiple opportunities to amend and provide factual allegations satisfying basic pleading standards.
3. The motion for reconsideration, styled as a motion to alter or amend judgment, was properly denied because Plaintiff failed to meet the high standard for reconsideration.
4. The request for judicial notice was properly denied as moot because the dismissal was based on the failure of the pleadings to state a claim, not on a failure to introduce supporting evidence.

KEY QUOTATIONS

“Before dismissing this case with prejudice, the Court gave Plaintiff multiple opportunities to amend the Complaint to comply with basic pleading standards and to provide factual allegations to plausibly state the claims. The Court need not grant Plaintiff perpetual opportunities to attempt to state a claim.” ([DE 138] at 2)

FACTUAL BACKGROUND

Plaintiff's Second Amended Complaint had previously been dismissed with prejudice after the court gave Plaintiff multiple opportunities to amend and provide factual allegations plausibly stating claims. Plaintiff objected to the magistrate judge's Report and Recommendation and sought to alter or amend the judgment and obtain judicial notice.

PROCEDURAL HISTORY

Magistrate Judge Augustin-Birch issued an April 23, 2026 Report and Recommendation recommending dismissal of the Second Amended Complaint and denial of reconsideration. Plaintiff objected. After conducting de novo review, the district court adopted the Report, overruled the objections, denied the requested relief, and ordered that the case remain closed.

DISPOSITION

other

CASES CITED

- Macort v. Prem, Inc., 208 F. App'x 781, 783-84 (11th Cir. 2006)
- Heath v. Jones, 863 F.2d 815, 822 (11th Cir. 1989)
- Goney v. Clark, 749 F.2d 5, 7 (3d Cir. 1984)

OPINION

Hylton

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 25-CV-62206-WPD

AYATOLLAH HYLTON,

Plaintiff, v. CHIVONE JANE HYLTON, et al., Defendants.

_____/ ORDER ADOPTING REPORT OF MAGISTRATE JUDGE; OVERRULING OBJECTIONS; THIS CAUSE is before the Court upon the April 23, 2026 Report and Recommendation of Magistrate Judge Augustin-Birch (the "Report") [DE 138]. The Court has conducted a de novo review of the Report [DE 138], Plaintiff Ayatollah Hylton ("Plaintiff")'s Objections to Report and Recommendation [DE 139], and is otherwise fully advised in the premises. A party seeking to challenge the findings in a report and recommendation of a United States Magistrate Judge 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." Macort v. Prem, Inc., 208 F. App'x 781, 783 (11th Cir. 2006) (quoting Heath v. Jones, 863 F.2d 815, 822 (11th Cir. 1989)). "It is critical that the objection be sufficiently specific and not a general objection to the report." Macort, 208 F. App'x at 784 (citing Goney v. Clark, 749 F.2d 5, 7 (3d Cir. 1984)). If a party makes a timely and specific objection to a finding in the report and recommendation, the district court must conduct a de novo review of the portions of the report to which objection is made. Macort, 208 F. App'x at 783-84; see also 28 U.S.C. § 636(b) (1). The district court may accept, reject, or modify in whole or in part, the findings or recommendations made by the Magistrate Judge. Macort, 208 F. App'x at 784; 28 U.S.C. § 636(b) (1). Accordingly, the Court has undertaken a de novo review of the record and Plaintiff's Objections to Magistrate Judge's Report and Recommendation. The Court agrees with the Magistrate Judge's conclusions in the Report that the Second Amended Complaint should be dismissed based on the reasons stated therein. Plaintiff's objections are overruled. Moreover, the Court agrees with the Magistrate Judge that the motion for reconsideration of the Order dismissing the Second Amended Complaint with prejudice should be denied, as Plaintiff failed to meet the high standard for reconsideration. The Magistrate Judge correctly stated that, "[b]efore dismissing this case with prejudice, the Court gave Plaintiff multiple opportunities to amend the Complaint to comply with basic pleading standards and to provide factual allegations to plausibly state the

claims. The Court need not grant Plaintiff perpetual opportunities to attempt to state a claim.” [DE 138] at p. 2. Additionally, the request for judicial notice is properly denied as moot. The Court did not find Plaintiff’s pleadings insufficient for failure to introduce evidence in support thereof; rather, none of the versions stated a claim upon which relief could be granted. For the foregoing reasons, it is ORDERED AND ADJUDGED as follows:

1. The Report [DE 138] is hereby APPROVED;
2. The Objections [DE 139] are OVERRULED;
3. Plaintiff’s Motion to Alter or Amend Judgment [DE 126] is DENIED;
4. Plaintiff’s Request for Judicial Notice [DE 134] is DENIED;
5. This case shall remain CLOSED.
6. The Clerk shall email a copy of this Order to the Plaintiff.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 7th day of May, 2026. “4 if { FO etre zd

VILLIAM P. DIMITROULEAS

United States District Judge Copies furnished to: Magistrate Judge Augustin-Birch Ayatollah Hylton at email: gwallaz@gmail.com