

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Traviyawn M. Osborne v. Officer Spencer and Officer Scarnio

Osborne · No. 2:25-cv-14320-LEIBOWITZ/MAYNARD · Decided December 29, 2025

SUMMARY

The United States District Court for the Southern District of Florida adopted a magistrate judge’s Report and Recommendation recommending dismissal of Traviyawn M. Osborne’s complaint without prejudice. Because no objections were filed, the court reviewed the recommendation for clear error, dismissed the complaint, denied pending motions as moot, and closed the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	David S. Leibowitz
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	December 29, 2025
DOCKET	2:25-cv-14320-LEIBOWITZ/MAYNARD
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge’s Report and Recommendation recommending dismissal of the complaint without prejudice. No objections were filed, so the district court reviewed the R&R for clear error, adopted it in its entirety, dismissed the complaint without prejudice, and closed the case.
STANDARD OF REVIEW	When no specific objections are filed to a magistrate judge’s report and recommendation, the district court reviews the report for clear error. Specific objections would require de novo review of the challenged portions.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- civil procedure
- pleadings
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Report and Recommendation for clear error when no objections were filed.
2. Whether the court should adopt the Report and Recommendation and dismiss the Complaint without prejudice.

HOLDINGS

1. Because no party filed objections within the required period, the district court reviewed the Report and Recommendation for clear error rather than conducting de novo review.
2. The court adopted the magistrate judge's Report and Recommendation in its entirety and dismissed Plaintiff's Complaint without prejudice.

KEY QUOTATIONS

"To the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error."

"The Magistrate Judge's Report and Recommendation [ECF No. 13] is ADOPTED and made a part of this Order for all purposes."

"Plaintiffs Complaint [ECF No. 1] is DISMISSED without prejudice."

FACTUAL BACKGROUND

The opinion provides no substantive facts underlying Plaintiff's claims. Plaintiff filed a Complaint against Officer Spencer and Officer Scarnio, and the magistrate judge recommended dismissal without prejudice.

PROCEDURAL HISTORY

United States Magistrate Judge Shaniek Mills Maynard issued a Report and Recommendation on December 8, 2025, recommending dismissal of Plaintiff's Complaint without prejudice. Plaintiff filed no objections within the applicable fourteen-day period. The district court adopted and affirmed the R&R, dismissed the complaint without prejudice, denied pending motions as moot, terminated deadlines, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Macort v. Prem, Inc.*, 208 F. App'x 781 (11th Cir. 2006)

OPINION

Osborne

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

CASE NO. 2:25-cv-14320-LEIBOWITZ/MAYNARD

TRAVIYAWN M. OSBORNE,

Plaintiff, v.

OFFICER SPENCER and OFFICER

SCARGNIO,

Defendants. _____/

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

THIS CAUSE is before the Court upon the Report and Recommendation by United States Magistrate Judge Shaniek Mills Maynard [ECF No. 13] (the “R&R”), filed on December 8, 2025. Judge Maynard recommends dismissing Plaintiff’s Complaint without prejudice. No objections to the R&R were filed during the 14-day objection period. Upon due consideration of the R&R, the filings, the applicable law, and the record, the Court ADOPTS and AFFIRMS the Report and Recommendation [ECF No. 13]. “In order to challenge the findings and recommendations of the magistrate judge, a party 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) (cleaned up). The objections must also present “supporting legal authority.” S.D. Fla. L. Mag. J.R. 4(b). Once a district court receives “objections meeting the specificity requirement set out above,” it must “make a de novo determination of those portions of the report to which objection is made and 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 783–84 (cleaned up). To the extent a party fails to object to parts of the magistrate judge’s report, those portions are reviewed for clear error. *Id.* at 784 (cleaned up). The parties have not submitted any objections to Judge Maynard’s R&R, and the time to do so has passed. As such, the Court has reviewed the R&R for clear error only. Upon this review, the Court finds not only no clear error but also notes that Judge Maynard’s R&R is thorough, cogent, and compelling. The Court adopts the R&R in its entirety. Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge’s Report and Recommendation [ECF No. 13] is ADOPTED and made a part of this Order for all purposes.
2. Plaintiffs Complaint [ECF No. 1] is DISMISSED without prejudice.
3. The Clerk is directed to mail a copy of this Order to Plaintiff.
4. The Clerk is further directed to CLOSE this case. Any pending motions are DENIED as moot, and all deadlines are TERMINATED. DONE AND ORDERED in the Southern District

of Florida on December 29, 2025. ®

DAVID S. LEIBOWITZ

UNITED STATES DISTRICT JUDGE

cc: counsel of record Traviyawn M. Osborne 1542 Paisley Street NW Palm Bay, FL 32907

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