

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, EASTERN DIVISION

Georgio Rodriquez Scott v. Lamar County, et al.

Scott · No. 2:24-cv-00202-HSO-BWR · Decided June 15, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted, as modified, a magistrate judge’s report and recommendation and granted motions for judgment on the pleadings and dismissal. The court dismissed Scott’s federal claims against Lamar County and Judge Anthony Mozingo with prejudice, dismissed his federal claims against the State of Mississippi without prejudice based on sovereign immunity, and declined supplemental jurisdiction over his state-law claims. The court cited municipal liability, Eleventh Amendment immunity, absolute judicial immunity, and Heck v. Humphrey.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Eastern Division
WRITING FOR THE COURT	Halil Suleyman Ozerden
JURISDICTION	United States District Court for the Southern District of Mississippi, Eastern Division
DECIDED	June 15, 2026
DOCKET	2:24-cv-00202-HSO-BWR
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted, as modified, a magistrate judge's report and recommendation addressing a motion for judgment on the pleadings and motions to dismiss in a pro se action under 42 U.S.C. § 1983 and state law.
STANDARD OF REVIEW	Because no objections were filed to the report and recommendation, the court applied the clearly erroneous, abuse of discretion, and contrary to law standard rather than de novo review.
PRECEDENTIAL VALUE	Unknown; unpublished federal district court order
PARTIES	Georgio Rodriquez Scott v. Lamar County, State of Mississippi, Judge Anthony Mozingo

TOPICS

motion for judgment on the pleadings

motions to dismiss

section 1983

sovereign immunity

subject matter jurisdiction

PRACTICE AREAS

Civil rights

Federal civil procedure

Constitutional litigation

Sovereign immunity

Judicial immunity

QUESTIONS PRESENTED

1. Whether the magistrate judge's report and recommendation should be adopted under the applicable clearly erroneous, abuse of discretion, and contrary to law standard when no objections were filed.
2. Whether Scott's § 1983 claims against Lamar County failed because the alleged conduct was not attributable to the County and because Scott did not plead municipal liability.
3. Whether Scott's federal claims against the State of Mississippi were barred by Eleventh Amendment sovereign immunity and because the State is not a person subject to suit under § 1983.
4. Whether Scott's federal claims against Judge Anthony Mozingo were barred by absolute judicial immunity and, alternatively, by *Heck v. Humphrey*.
5. Whether the court should decline supplemental jurisdiction over Scott's state-law claims after dismissing all claims within its original jurisdiction.

HOLDINGS

1. When no party objects to a magistrate judge's report and recommendation, the district court need not conduct de novo review and may review the recommendation for clear error, abuse of discretion, and whether it is contrary to law. The report and recommendation was neither clearly erroneous nor contrary to law, subject to the modification concerning the disposition of the claims against Mississippi.
2. Scott's federal claims against Lamar County were dismissed with prejudice because the alleged conduct was directed entirely at Judge Mozingo, who was not a Lamar County employee, and Scott did not plead a viable municipal-liability claim under § 1983.
3. Scott's federal claims against the State of Mississippi were dismissed without prejudice for lack of jurisdiction because sovereign immunity barred the claims.
4. Scott's federal claims against Judge Mozingo were dismissed with prejudice because he was entitled to absolute judicial immunity; alternatively, the claims were barred by *Heck v. Humphrey*.
5. After dismissing all claims within its original jurisdiction, the court declined to exercise supplemental jurisdiction over the remaining state-law claims and dismissed them without prejudice.

KEY QUOTATIONS

"In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review." (Discussion)

“Plaintiff’s federal claims will be dismissed with prejudice, except that his federal claims against the State should be dismissed without prejudice for lack of jurisdiction as barred by sovereign immunity.” (Discussion)

FACTUAL BACKGROUND

Scott alleged that Lamar County Circuit Court Judge Anthony Mozingo improperly amended his state-court criminal sentence twice, allegedly affecting a later federal sentence. Scott asserted federal and state-law claims against Lamar County and the State of Mississippi and later added Judge Mozingo. At an omnibus hearing, Scott testified that his allegations were directed entirely against Judge Mozingo, whom he identified as not being a Lamar County employee.

PROCEDURAL HISTORY

Scott filed suit against Lamar County and the State of Mississippi under § 1983 and state law, and was later permitted to add Judge Anthony Mozingo as a defendant. The magistrate judge recommended granting defendants' motions, dismissing the federal claims with prejudice, declining supplemental jurisdiction over the state-law claims, and dismissing those claims without prejudice. No objections were filed. The district court adopted the recommendation as modified, dismissing the federal claims against Lamar County and Judge Mozingo with prejudice, the federal claims against Mississippi without prejudice for lack of jurisdiction, and the state-law claims without prejudice.

DISPOSITION

dismissed

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)
- Heck v. Humphrey, 512 U.S. 477 (1994)
- Quiroz v. Hernandez, 167 F.4th 254, 268 (5th Cir. 2025)

OPINION

IN THE UNITED STATES DISTRICT COURT ☐☐ f 2: FOR THE SOUTHERN DISTRICT OF MISSISSIPPI re y ☐☐☐ i EASTERN DIVISION N Soni ☐☐ 26 ☐ GEORGIO RODRIQUEZ SCOTT § PLAINTIFF § § Vv. § Civil No. 2:24cev202-HSO-BWR § § LAMAR COUNTY, et al. § DEFENDANTS ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION [42] AS MODIFIED: GRANTING DEFENDANT LAMAR COUNTY’S MOTION [26] FOR JUDGMENT ON THE PLEADINGS; GRANTING DEFENDANT STATE OF MISSISSIPPY’S MOTION [28] TO DISMISS: GRANTING DEFENDANTS STATE OF MISSISSIPPI AND JUDGE ANTHONY MOZINGO’S SUPPLEMENTAL MOTION [36] TO DISMISS: AND DISMISSING PLAINTIFF’S CLAIMS This matter comes before the Court on the Report and Recommendation [42] of United States Magistrate Judge Bradley W. Rath, entered in this case on May 18, 2026, and the Motion [26] for Judgment on the Pleadings filed by

Defendant Lamar County, the Motion [28] to Dismiss filed by Defendant State of Mississippi, and the Supplemental Motion [36] to Dismiss filed by Defendants State of Mississippi and Judge Anthony Mozingo.

The Magistrate Judge recommended that Defendants' Motions [26], [28], [386] be granted, that Plaintiff Georgio Rodriquez Scott's federal claims be dismissed with prejudice, that the Court decline to exercise supplemental jurisdiction over Plaintiffs state-law claims, and that the state-law claims be dismissed without prejudice. See R. & R. [42] at 17. Plaintiff has not filed any objections to the Report and Recommendation [42], and the time for doing so has passed.

See *id.*; 28 U.S.C. § 636(b)(1); L.U. Civ. R. 72(a)(3). Based upon a review of the record, the Court finds that the Report and Recommendation [42] should be adopted, as modified herein, and that Defendants' Motions [26], [28], [36] should be granted. Plaintiff's federal claims against Defendants Lamar County and Judge Anthony Mozingo should be dismissed with prejudice, but because the Court lacks jurisdiction over his federal claims against Defendant State of Mississippi, those claims should be dismissed without prejudice.

The Court will decline to exercise supplemental jurisdiction over Plaintiff's state-law claims, and those claims will be dismissed without prejudice. I. BACKGROUND Plaintiff Georgio Rodriquez Scott ("Scott" or "Plaintiff") alleges that Lamar County Circuit Court Judge Anthony Mozingo ("Judge Mozingo") improperly amended his state-court criminal sentence twice, which later negatively impacted a federal sentence in this Court.

See Compl. [1] at 4; Order [33] at 1-3. Proceeding pro se, on December 30, 2024, Plaintiff filed the Complaint [1] in this case under 42 U.S.C. § 1983 and state law, naming as Defendants Lamar County and the State of Mississippi. See Compl.

[1] at 1. At an Omnibus Hearing held on December 4, 2025, the Magistrate Judge permitted Plaintiff to add Judge Mozingo as a Defendant. See Order [33] at 3. The Magistrate Judge recommended that Defendants' Motions [26], [28], [36] be granted, that Plaintiff's federal claims be dismissed with prejudice, that the Court decline to exercise supplemental jurisdiction over the state-law claims, and that those claims be dismissed without prejudice.

See R. & R. [42] at 17. Specifically, the Magistrate Judge determined that Plaintiff's federal claims against Lamar County should be dismissed because "Plaintiff testified that his allegations are directed entirely against Judge Mozingo, who is not a Lamar County employee," and even if Plaintiff had identified conduct attributable to Lamar County, he has failed to plead a claim for municipal liability against it under 42 U.S.C. § 1983.

Id. at 7. As for the State, Plaintiff could not maintain his request for monetary damages against it due to its sovereign immunity under the Eleventh Amendment, and even if he could, the State is not a "person" that can be sued under § 1983. See *id.* at 10.

Finally, the Magistrate Judge concluded that Plaintiff's federal claims against Judge Mozingo should be dismissed because he is entitled to absolute judicial immunity, but even if he were not, the claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). See *id.* at 11-15. II. DISCUSSION Where no party has objected to a magistrate judge's report and recommendation, a court need not conduct a de novo review of it.

28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.

1989). Having conducted the required review, the Court concludes that the Report and Recommendation [42] is neither clearly erroneous nor contrary to law. Subject to one modification, the Court will adopt the Magistrate Judge's Report and Recommendation [42] in its entirety as the opinion of this Court. Plaintiff's federal claims will be dismissed with prejudice, except that his federal claims against the State should be dismissed without prejudice for lack of jurisdiction as barred by sovereign immunity.

See, e.g., *Quiroz v. Hernandez*, 167 F.4th 254, 268 (5th Cir. 2025) ("[C]laims barred by sovereign immunity should be dismissed without prejudice, not with prejudice.").¹ Because the Court will dismiss all claims over which it has original jurisdiction, it will decline to exercise supplemental jurisdiction over the remaining state-law claims, which will be dismissed without prejudice.

See 28 U.S.C. § 1367(c)(3). III. CONCLUSION IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [42] of United States Magistrate Judge Bradley W. Rath, entered in this case on May 18, 2026, is ADOPTED, as modified herein. IT IS, FURTHER, ORDERED AND ADJUDGED that, the Motion [26] for Judgment on the Pleadings filed by Defendant Lamar County, the Motion [28] to Dismiss filed by Defendant State of Mississippi, and the Supplemental Motion [36] to Dismiss filed by Defendants State of Mississippi and Judge Anthony Mozingo are GRANTED.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff Georgio Rodriquez Scott's federal claims against Defendants Lamar County and Judge 1 As for the federal claims against Judge Mozingo, the Court agrees that they are barred by absolute judicial immunity and should be dismissed with prejudice. Anthony Mozingo are DISMISSED WITH PREJUDICE, and his federal claims against Defendant State of Mississippi are DISMISSED WITHOUT PREJUDICE as barred by sovereign immunity.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Court DECLINES to exercise supplemental jurisdiction over Plaintiff Georgio Rodriquez Scott's state-law claims, and his state-law claims are DISMISSED WITHOUT PREJUDICE.

The Court will enter a separate Final Judgment in accordance with Federal Rule of Civil Procedure 58. SO ORDERED AND ADJUDGED, this the 15th day of June, 2026. s/ Halil Suleyman Ozerden HALIL SULEYMAN OZERDEN CHIEF UNITED STATES DISTRICT JUDGE

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