

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
FLORIDA

Ayatollah Hylton v. Chivone Janee Hylton, et al.

Hylton · No. 0:25-CV-62206-DIMITROULEAS/AUGUSTIN-BIRCH · Decided April 23, 2026

SUMMARY

The United States Magistrate Judge recommends denying Plaintiff Ayatollah Hylton’s motion to alter or amend the judgment. The recommendation concludes that Plaintiff failed to identify a basis for reconsideration and had already received multiple opportunities to amend the complaint. It also recommends denying as moot Plaintiff’s request for judicial notice.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                          |
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| COURT                 | United States District Court for the Southern District of Florida                                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Ki A. Augustin-Birch                                                                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the Southern District of Florida                                                                                                                                                                                                                                                                                                                        |
| DECIDED               | April 23, 2026                                                                                                                                                                                                                                                                                                                                                                           |
| DOCKET                | 0:25-CV-62206-DIMITROULEAS/AUGUSTIN-BIRCH                                                                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Report and recommendation on Plaintiff's post-judgment Motion to Alter or Amend Judgment and Request for Judicial Notice.                                                                                                                                                                                                                                                                |
| STANDARD OF REVIEW    | Reconsideration of a prior order is an extraordinary remedy available only upon an intervening change in controlling law, newly available evidence, or the need to correct clear error or prevent manifest injustice. A district court has discretion to deny further leave to amend when the plaintiff has failed to cure pleading deficiencies despite having an opportunity to do so. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                          |
| PARTIES               | Ayatollah Hylton v. Chivone Janee Hylton, et al.                                                                                                                                                                                                                                                                                                                                         |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Plaintiff established grounds for altering or amending the judgment dismissing the Second Amended Complaint with prejudice.
2. Whether Plaintiff should receive another opportunity to amend the Complaint after filing three deficient versions.
3. Whether Plaintiff's Request for Judicial Notice should be denied as moot.

## HOLDINGS

1. Plaintiff did not present an intervening change in controlling law, newly available evidence, clear error, or manifest injustice warranting reconsideration; the magistrate judge therefore recommended denial of the Motion to Alter or Amend Judgment.
2. The court may deny further leave to amend when a plaintiff has failed to cure deficiencies despite receiving an opportunity to do so; because Plaintiff had filed three deficient complaints and had received multiple opportunities to amend, another opportunity was not warranted.

## KEY QUOTATIONS

*“Reconsideration of a prior order “is an extraordinary remedy to be employed sparingly.””*

*“[A] party may move for reconsideration only when one of the following has occurred: an intervening change in controlling law, the availability of new evidence, or the need to correct clear error or prevent manifest injustice.”*

*“A district court has discretion to deny further leave to amend when the plaintiff has failed to cure deficiencies in the complaint despite receiving an opportunity to do so.”*

*“The Court need not grant Plaintiff perpetual opportunities to attempt to state a claim.”*

## FACTUAL BACKGROUND

Plaintiff filed three versions of the Complaint, but none stated a claim upon which relief could be granted. Before dismissing the action with prejudice, the district court provided multiple opportunities to amend and directed Plaintiff to comply with basic pleading standards and provide factual allegations plausibly stating claims. Plaintiff did not challenge the determination that the Second Amended Complaint failed to state a claim, but instead sought reconsideration to obtain another opportunity to amend.

## PROCEDURAL HISTORY

The district court had dismissed Plaintiff's Second Amended Complaint with prejudice for failure to state a claim. Plaintiff moved to alter or amend that judgment and sought leave to amend the Complaint again, along with a request for judicial notice. The magistrate judge recommended denying the motion to alter or amend and denying the request for judicial notice as moot, subject to the parties' fourteen-day objection period.

## DISPOSITION

other

## CASES CITED

- Su v. Local 568, Transp. Workers Union of Am., AFL-CIO, 699 F. Supp. 3d 1333, 1336 (S.D. Fla. 2023)
- Produce Pay, Inc. v. Agrosale, Inc., 533 F. Supp. 3d 1140, 1147 (S.D. Fla. 2021)
- Campero USA Corp. v. ADS Foodservice, LLC, 916 F. Supp. 2d 1284, 1292-93 (S.D. Fla. 2012)
- Grappell v. Cardona, No. 24-cv-23937, 2025 WL 947545, at \*6 (S.D. Fla. Mar. 28, 2025)

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