

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, PENSACOLA DIVISION**

Albert Estrada v. Florida Department of Corrections, et al.

Estrada · No. 3:25-cv-2458-AW-ZCB · Decided March 16, 2026

SUMMARY

The United States District Court for the Northern District of Florida adopted the magistrate judge's report and recommendation and dismissed Albert Estrada's action without prejudice. The court found that Estrada failed to comply with local rules by inaccurately certifying that he had no prior litigation, and it treated his purported notice of appeal as objections to the report and recommendation.

OPINION

ESTRADA

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF FLORIDA

PENSACOLA DIVISION

ALBERT ESTRADA,

Plaintiff, v. Case No. 3:25-cv-2458-AW-ZCB

FLORIDA DEPARTMENT

OF CORRECTIONS, et al., Defendants. _____/

ORDER ADOPTING REPORT AND RECOMMENDATION

Having carefully considered the matter, I now adopt the report and recommendation (ECF No. 14) and incorporate it into this order. I have considered de novo the issues raised in Plaintiff's objections (ECF No. 17).¹ As the magistrate judge explains, Plaintiff did not fully and accurately disclose his prior litigation on the court's form. Instead, he certified under oath that he had none. He says now he lacked the details because he did not have all his files. But that does not excuse his not providing any information he did have, while ¹ This document was titled "Notice of Appeal" and purported to appeal to the "First District Court of Appeal." I have treated it as an objection to the magistrate judge's report and recommendation. That report and recommendation was not a final order, and the proper way to challenge it was to file objections for the district judge to consider. I have treated it accordingly. After the final judgment issues (which should be contemporaneous with this order), Plaintiff will have an opportunity to file a notice of appeal as to that judgment. The notice would be filed in this court, but the appeal would be to the United States Court of Appeals for the Eleventh Circuit. explaining what was missing and why. It certainly did not excuse his stating under oath something that was false. Under these circumstances, I agree

with the magistrate judge that dismissal without prejudice is appropriate. See *McNair v. Johnson*, 143 F.4th 1301, 1307-08 (11th Cir. 2025) (affirming dismissal in similar circumstances). The clerk will enter a judgment that says, “This case is dismissed without prejudice based on Plaintiff’s failure to comply with the court’s local rules and failure to disclose litigation history.” The clerk will then close the file. SO ORDERED on March 16, 2026. s/ Allen Winsor Chief United States District Judge