

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

SHICORA D. BENNETT,

Plaintiff,

v.

Case No.: 5:22cv128-MW/MJF

CORRINE CLARK, et al.,

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION

This Court has considered, without hearing, the Magistrate Judge’s Report and Recommendation, ECF No. 6, and has also reviewed *de novo* Plaintiff’s objections, ECF No. 7.

Plaintiff raises three objections, but none of them help her claim. First, Federal Rule of Civil Procedure 8(e)’s direction for Courts to construe pleadings “so as to do justice” does not override (1) Rule 8(a)(2)’s requirement that a complaint contain a plain statement showing an entitlement to relief or (2) this Court’s obligation to strike shotgun pleadings, *see Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1295 (11th Cir. 2018). Second, Rule 15(a)(2)’s recommendation for courts to grant leave to amend “when justice so requires” carries little weight here because the Magistrate Judge already afforded Plaintiff a chance to amend her shotgun pleading—along

with detailed instructions on how to remedy its defects. *See* ECF No. 4. Plaintiff failed to follow the Magistrate Judge’s clear and detailed instructions, squandering her opportunity to amend. And third, Plaintiff’s insistence that she be allowed to amend her complaint a second time because her claims are “meritorious” is misplaced. This Court is obligated to afford Plaintiff at least one opportunity to amend a shotgun pleading before dismissing the case with prejudice. *See Vibe Micro, Inc.*, 878 F.3d at 1295; *see also Isaac v. United States*, 809 F. App’x 595, 599 (11th Cir. 2020) (unpublished) (“While this Court said that *Vibe Micro* applied to counseled parties, there is no indication that it would not apply to pro se litigants, especially since pro se parties are entitled to more leniency.”). The Magistrate Judge complied with this obligation, and even stopped short of imposing the severe remedy of dismissal with prejudice, instead opting to recommend dismissal without prejudice. This Court finds no reason to depart from the Magistrate Judge’s well-reasoned report and recommendation. Accordingly,

IT IS ORDERED:

1. The report and recommendation, ECF No. 6, is **accepted and adopted**, over the Plaintiff’s objections, as this Court’s opinion.
2. The Clerk shall enter judgment stating, “Plaintiff’s first amended complaint is **DISMISSED** without prejudice for failure to comply with Federal Rule of Civil Procedure 8(a).”

3. The Clerk shall close the file.

SO ORDERED on January 19, 2023.

s/Mark E. Walker

Chief United States District Judge