

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-23023-KMM

TASH JERNAZIAN,

Plaintiffs,

v.

MIAMI-DADE PUBLIC LIBRARY,

Defendant.

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon the Report and Recommendation of the Honorable Lauren F. Louis, United States Magistrate Judge. (“R&R”) (ECF No. 8). Therein, Magistrate Judge Louis recommends that the Court dismiss the action without prejudice. *Id.* at 3. *Pro se* Plaintiff Tash Jernazian failed to file an objection to the R&R and the time do to so has passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the Report and Recommendation.

I. BACKGROUND

Plaintiff Tash Jernazian commenced this action against Defendant Miami-Dade Public Library. In the Complaint (ECF No. 1), Plaintiff states that Defendant “caused them violence” by “allow[ing] and foster[ing] a culture [of] harassment within the County Library System.” *Id.* at 2. Plaintiff further states that there were “mask harassed within government library buildings,” and Plaintiff was “denied fair access to the library and various public resources.” *Id.*

On September 22, 2022, the Court referred this case to Magistrate Judge Louis to “take all necessary and proper action as required by law regarding all pre-trial, non-dispositive matters

including discovery, and for a Report and Recommendation on any dispositive matters.” (ECF No. 5). On September 27, 2022, Magistrate Judge Louis entered an Order to Show Cause (ECF No. 6), observing that Plaintiff had failed to file a civil cover sheet upon initiating this action, in violation of Local Rule 3.3, and had further failed to file the civil cover sheet within 24 hours after being instructed to do so by the Clerk of Court. Magistrate Judge Louis accordingly ordered Plaintiff to show good cause why Plaintiff failed to comply with the Clerk of Court’s instruction to file a Notice, attaching the completed civil cover sheet, within 24 hours. Cause (ECF No. 6). Plaintiff has not responded to the Order to Show Cause and the time to do so has passed.

On November 1, 2022, upon a *sua sponte* review of the record, Magistrate Judge Louis issued a Report and Recommendation, recommending that the matter be dismissed without prejudice. *See generally* R&R.

II. LEGAL STANDARD

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The Court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3). A *de novo* review is therefore required if a party files “a proper, specific objection” to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). “It is critical that the objection be sufficiently specific and not a general objection to the report” to warrant *de novo* review. *Id.*

However, a party’s objections are improper if they expand upon and reframe arguments already made and considered by the magistrate judge, or simply disagree with the magistrate judge’s conclusions. *See Melillo v. United States*, No. 17-CV-80489, 2018 WL 4258355, at *1 (S.D. Fla. Sept. 6, 2018); *see also Marlite, Inc. v. Eckenrod*, No. 10-23641-CIV, 2012 WL

3614212, at *2 (S.D. Fla. Aug. 21, 2012) (“It is improper for an objecting party to . . . submit [] papers to a district court which are nothing more than a rehashing of the same arguments and positions taken in the original papers submitted to the Magistrate Judge. Clearly, parties are not to be afforded a ‘second bite at the apple’ when they file objections to a R & R.” (quoting *Camardo v. Gen. Motors Hourly-Rate Emps. Pension Plan*, 806 F. Supp. 380, 382 (W.D.N.Y. 1992))).

When the objecting party has not properly objected to the magistrate judge’s findings, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 addition; *see Lopez v. Berryhill*, No. 1:17-CV-24263, 2019 WL 2254704, at *2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge must “evaluate portions of the R & R not objected to under a clearly erroneous standard of review.”).

III. DISCUSSION

As set forth in the R&R, Magistrate Judge Louis recommends dismissing Plaintiff’s Complaint without prejudice because the Complaint “lacks sufficient factual context, as it does not allege facts explaining the role the named defendant had in the domestic violence Plaintiff experienced.” R&R at 2. Furthermore, Magistrate Judge Louis states that the Complaint fails to allege a basis for this Court’s jurisdiction and Plaintiff failed to comply with Court orders in violation of Local Rule 3.3. *See generally* R&R. The Court agrees.

IV. CONCLUSION

Accordingly, UPON CONSIDERATION of the report and recommendation, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that Magistrate Judge Louis’s R&R (ECF No. 8) is ADOPTED. This case is

DISMISSED WITHOUT PREJUDICE. The Clerk of Court is INSTRUCTED to CLOSE this case. All pending motions, if any, are DENIED AS MOOT.

DONE AND ORDERED in Chambers at Miami, Florida this 18th day of November, 2022.

A handwritten signature in black ink, appearing to read "K. M. Moore", is written over a horizontal line.

K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record