

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ANTHONY DENSON, JR.,

Plaintiff,

v.

Case No: 2:21-cv-497-JES-NPM

KEVIN RAMBOSK, MATTHEW  
KINNEY, ALAN FLANAGAN,  
DAVID MERCADO, JASON BOOTH,  
RYAN TUTT, NATHAN KIRK,  
JOESPH AMOROSI, and  
BARTOLOME AMENGUAL,

Defendants.

---

**ORDER**

This case comes before the Court on review of defendant Sheriff's Motion For Clarification Regarding Dismissal of Count Ten of The Third Amended Complaint (Doc. #81) filed on October 14, 2022. Defendant Sheriff Kevin Rambosk seeks clarification regarding the Court's Opinion and Order dated September 21, 2022, which dismissed the Tenth Cause of Action of plaintiff Anthony Denson, Jr.'s Third Amended Complaint as to defendant Sheriff Rambosk. (Doc. #77.) Sheriff Rambosk notes that the Tenth Cause of Action was a claim for malicious prosecution under Florida law against Sheriff Rambosk, in his official capacity, which the Court correctly determined should be dismissed **with prejudice** as Sheriff Rambosk is entitled to immunity by operation of Florida Statute §

768.28(9)(a). (Doc. #77, p. 21; Doc. #81, pp. 1-2.) However, Sherriff Rambosk notes that on page 31 of the Opinion and Order, in summarizing the Court's ruling, it appears there is a scrivener's error indicating that Sheriff Rambosk's Motion to Dismiss the Tenth Count is granted **without prejudice**. (Doc. #77, p. 31; Doc. #81, p. 2.) Given that Sheriff Rambosk is entitled to immunity from suit for malicious prosecution, he assumes the Court intended to dismiss Count Ten **with prejudice** and seeks clarification from the Court. (Id., pp. 2-3.)

Upon examination of the September 2022 Opinion and Order, the Court agrees that there is an error contained on page 31, paragraph j. This portion states that Defendants' motion to dismiss the Tenth Cause of Action as to defendant Sheriff Rambosk is granted and dismissed **without prejudice**, which contradicts the Court's earlier (and proper) finding that it was dismissed **with prejudice**. (Doc. #77, p. 31, parag. j.) The Court therefore amends this portion of the Opinion and Order as follows:

j. Defendants' motion to dismiss the Tenth Cause of Action as to defendant Sheriff Rambosk is hereby GRANTED and the claim is **DISMISSED with prejudice**.

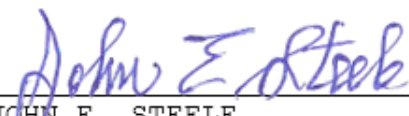
Accordingly, it is now

**ORDERED:**

The September 21, 2022 Opinion and Order granting in part and denying part defendants' Motion to Dismiss Plaintiff's Third Amended Complaint is hereby amended to reflect that

" j. Defendants' motion to dismiss the Tenth Cause of Action as to defendant Sheriff Rambosk is hereby **GRANTED** and the claim is **DISMISSED with prejudice.**"

**DONE and ORDERED** at Fort Myers, Florida, this 26th day of October, 2022.

  
\_\_\_\_\_  
JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Counsel of Record