

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

COURTNEY BOYD,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL ACTION NO. 11-00229-CB-B
WARDEN TONEY, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on a Report and Recommendation of the Magistrate Judge recommending that this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). (Doc. 14.) Plaintiff is a state prisoner who has had at least three prior actions or appeals dismissed as frivolous. In response to the Report and Recommendation, Plaintiff has filed a “Motion for Good Cause Shown.” He does not dispute the applicability of the “three strikes” rule. Instead, Plaintiff requests that the Court return his complaint and exhibits so that he may refile the complaint at a later date when he has the funds to do so. (Doc. 16.)

After due and proper consideration of all pleadings, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. This action is hereby **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g). Plaintiff’s motion seeking return of his complaint and exhibits is hereby **DENIED**.<sup>1</sup>

**DONE** this the 18<sup>th</sup> day of October, 2011.

*s/Charles R. Butler, Jr.*  
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**Senior United States District Judge**

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<sup>1</sup> These documents are part of the Court record and cannot be removed.