

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

RICKY ASHLEY
a/k/a Carlos Chambers

PLAINTIFF

v.

Case No. 4:18-cv-00498-KGB/JJV

JAMES M. MOODY,
United States District Judge,
Eastern District of Arkansas; *et al.*

DEFENDANTS

ORDER

Before the Court are the Proposed Findings and Recommendations (“Recommendations”) submitted by United States Magistrate Judge Joe J. Volpe (Dkt. No. 3). Plaintiff Ricky Ashley has filed a motion styled as a motion for copies, which the Court also construes as objections to be the Recommendations (Dkt. No. 4). After a review of the Recommendations and Mr. Ashley’s objections, as well as a *de novo* review of the record, the Court adopts the Recommendations as its findings in all respects (Dkt. No. 3).

The Court writes separately to address Mr. Ashley’s motion and objections to the Recommendations (Dkt. No. 4). Mr. Ashley requests “a ‘letter’ correspondence asserting the fact that the above In Re: ‘Case Citations’ cases do not exist within the District Court’s records” (Dkt. No. 4, at 1). Mr. Ashley also requests that the Court mail back his copy of the Recommendations (*Id.*, at 2). Mr. Ashley appears to argue that he was erroneously named in the Recommendations because the complaint was purportedly signed by “Carlos Chambers,” not Ricky Ashley (*Id.*, at 1).

In the Recommendations, Judge Volpe recounts Mr. Ashley’s history of complaints in this district:

From 1994 to 1997, Plaintiff accumulated four strikes as defined by § 1915(g). *See*

Ashley v. Reed, 5:94CV00240; *Ashley v. Johnson*, 5:94CV00529; *Ashley v. Rwon*, 4:95CV00786; *Ashley v. Downen*, 5:97CV00302. Undeterred, Plaintiff filed approximately forty-five additional lawsuits, the majority of which were dismissed prior to service. Plaintiff's unrelenting pattern of frivolous filings has earned him "the dishonorable distinction of ranking among the most highly abusive filers in the Eastern District of Arkansas, if not the most abusive." *Ashley v. Reasoner*, 4:05CV00465, Doc. No. 3 at 1 (describing Plaintiff's history of abusive filings).

(Dkt. No. 3, at 2-3). Mr. Ashley attached to his complaint in this case a Jail Detainee Grievance Form from Saline County Detention Facility that was filed on June 15, 2018 (Dkt. No. 1, at 6). The Court finds that Mr. Ashley attached the same Jail Detainee Grievance Form to a complaint he filed in *Ashley v. Moody*, 4:18-cv-00497-BSM (Dkt. No. 2, at 6). Based on the record before it at this time, the Court finds that Mr. Ashley was responsible for filing the complaint in this case. The Court has considered his objections. The Court directs the Clerk to mail to Mr. Ashley a copy of the Recommendations (Dkt. No. 3), as requested by Mr. Ashley.

It is therefore ordered that:

1. Mr. Ashley's motion for leave to proceed *in forma pauperis* is denied (Dkt. No. 1).
2. Mr. Ashley's complaint is dismissed with prejudice as being frivolous and malicious (Dkt. No. 2).
3. Dismissal is counted as a "strike," pursuant to 28 U.S.C. § 1915(g).
4. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.
5. The Clerk is directed to mail to Mr. Ashley a copy of the Recommendations (Dkt. No. 3).

It is so ordered, this 27th day of December, 2018.



Kristine G. Baker
United States District Judge