

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED

2006 JUL 19 A 10:47

THIEL C. FRIERSON,

Plaintiff,

v.

Case No. 3:06-cv-642-J-33MCR

S.T. ROBINSON, et al.,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, an inmate of the Florida penal system proceeding pro se, initiated this action by filing a Civil Rights Complaint Form (Doc. #1) (hereinafter Complaint) pursuant to 42 U.S.C. § 1983 on July 14, 2006. On the Complaint form, Section IV.(B) states the following: "Have you initiated other lawsuits in federal court dealing with the same or similar facts involved in this action or otherwise relating to your imprisonment or conditions thereof?" Complaint at 5. There are parenthetical areas to mark either yes or no. Plaintiff marked no on his Complaint. Id. At the end of the Complaint, Plaintiff signed his name after the following statement on the form: "I declare under penalty of perjury that the foregoing is true and correct." Id. at 10. The Court takes judicial notice of Plaintiff's previous filings in federal court, relating to his imprisonment or the conditions thereof: (1) 3:96-cv-463-J-20HTS (M.D. Fla.); (2) 3:97-cv-644-J-21JES (M.D. Fla.); (3) 3:99-cv-493-J-21HTS (M.D. Fla.); (4) 3:01-cv-956-J-20TEM (M.D.

Fla.); (5) 4:02-cv-237-SPM (N.D. Fla.); (6) 3:03-cv-73-J-32TEM (M.D. Fla.)¹; and, (7) 3:06-cv-620-J-32TEM (M.D. Fla.)².

The Court is convinced that Plaintiff understands the severity of not revealing the truth to the Court. This Court has the authority to control and manage matters such as this pending before it. The Court will not tolerate false responses and/or statements in any pleading or motion filed for consideration by the Court. If the Court cannot rely on the statements and/or responses made, it threatens the quality of justice. Here, Plaintiff has falsely responded to Question (B) in Section IV, entitled "Previous Lawsuits."

Therefore, this Court is of the opinion that an appropriate sanction is to dismiss this case without prejudice and warn Plaintiff that such false responses, filed herein or filed in the future, will not be tolerated and may result in more severe and long-term sanctions. For now, this case will be dismissed for Plaintiff's abuse of the judicial process in not providing the Court with true factual statements and/or responses that can be relied on to bring his case to an expeditious closure.

¹ This case originated in the Northern District of Florida (case number 4:02-cv-237-SPM (N.D. Fla)) and was thereafter transferred to this Court.

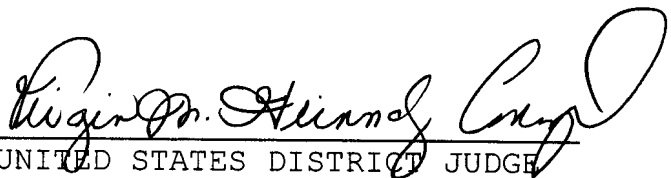
² This action was originally filed as a miscellaneous case in this Court (case number 3:06-mc-40-J-33HTS).

Therefore, it is now

ORDERED AND ADJUDGED:

1. This case is hereby dismissed **without prejudice**.
2. The Clerk of Court shall send a "Civil Rights Complaint Form," an "Affidavit of Indigency" form, and a "Prisoner Consent Form and Financial Certificate" to Plaintiff. If Plaintiff elects to refile his claims in a separate action, he may complete and submit these forms. Plaintiff should not place this case number on the forms. The Clerk will assign a separate case number if Plaintiff elects to refile his claims. In refiling, Plaintiff shall **either** file a fully completed "Prisoner Consent Form and Financial Certificate" and "Affidavit of Indigency" (if Plaintiff desires to proceed as a pauper) **or** pay the \$350.00 filing fee (if Plaintiff does not desire to proceed as a pauper).
3. The Clerk of the Court shall enter judgment dismissing this case without prejudice and close this case.

DONE AND ORDERED in chambers in Jacksonville, Florida, this 19th day of July, 2006.


REGINO M. HERNANDEZ LOPEZ
UNITED STATES DISTRICT JUDGE

ps 7/17
c:
Thiel C. Frierson