

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

WARREN AIKEN, JR.,

Plaintiff,

v.

Case No. 3:11-cv-618-J-12MCR

MISS JONES, etc.; et al.,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, an inmate of the Florida penal system proceeding pro se and in forma pauperis, initiated this action by filing a Complaint Under the Civil Rights Act, 42 U.S.C. § 1983 (Doc. #1) (hereinafter Complaint) on June 23, 2011. The Prison Litigation Reform Act, in pertinent part, states:

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

The Court takes judicial notice of filings brought by Plaintiff in this Court that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon

which relief may be granted: (1) 3:06-cv-37-J-12TEM; (2) 3:07-cv-502-J-33TEM; and, (3) 3:07-cv-558-J-12HTS. Because Plaintiff has had three or more qualifying dismissals and is not under imminent danger of serious physical injury, this action will be dismissed without prejudice. Plaintiff may initiate a new civil rights action by filing a new civil rights complaint form and paying the full \$350.00 filing fee.

Therefore, it is now

ORDERED AND ADJUDGED:

1. This case is hereby **DISMISSED** without prejudice.
2. The Clerk of the Court shall enter judgment dismissing this case without prejudice and close this case.

DONE AND ORDERED at Jacksonville, Florida, this 29th day of JUNE, 2011.

Howell W. Melton
UNITED STATES DISTRICT JUDGE

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c:

Warren Aiken, Jr.