

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2012 MAR -6 PM 4:56

CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FL
JACKSONVILLE FLORIDA

MICHAEL HAYNES,

Plaintiff,

v.

Case No. 3:12-cv-182-J-20TEM

SERGEANT HEART, 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 (Doc. #1). The Prison Litigation Reform Act amended 28 U.S.C. § 1915 by adding the following subsection:

(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 previously brought by Plaintiff Haynes 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-407-J-32TEM;

(2) 3:06-cv-737-J-33MMH; and, (3) 3:07-cv-254-J-32TEM. Other qualifying dismissals include:

3:07-cv-274-J-25TEM
3:07-cv-292-J-25MCR
3:07-cv-300-J-25HTS
3:07-cv-301-J-32TEM
3:07-cv-302-J-32MCR
3:07-cv-303-J-25TEM
3:07-cv-304-J-33HTS
3:07-cv-305-J-25MCR
3:07-cv-306-J-32MCR

Because Plaintiff has had three or more prior 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 6th day of March, 2012.


UNITED STATES DISTRICT JUDGE

ps 3/1
c:
Michael Haynes