

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

EDGAR SEARCY,

Plaintiff,

v.

Case No. 5:14-cv-176-Oc-30PRL

FIFTH JUDICIAL CIRCUIT FOR  
SUMTER COUNTY, FLORIDA, et al.,

Defendants.

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**ORDER OF DISMISSAL**

Plaintiff, *pro se*, is an inmate at the Federal Medical Center in Fort Worth, Texas. Plaintiff initiated this action by the filing of Civil Rights Complaint (Doc. 1), in which he alleges Defendants have published “stigmatizing information” about him on the record in public. Plaintiff has filed a Motion for Leave to Proceed *In Forma Pauperis*. (Doc. 2). Upon due consideration, Plaintiff’s motion (Doc. 2) is **DENIED**. “Proceeding in forma pauperis is a privilege, not a right, and permission to so proceed is committed to the sound discretion of the court.”<sup>1</sup>

Further, after the enactment of the Prison Litigation and Reform Act (PLRA) of 1996, 28 U.S.C. § 1915 was amended by the addition of the following subsection:

(g) In no event shall a prisoner bring a civil rights 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

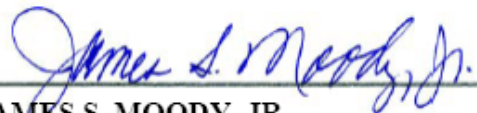
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<sup>1</sup> Camp v. Oliver, 798 F.2d 434, 437 (11<sup>th</sup> Cir. 1986) (citations omitted).

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.

Because Plaintiff has had more than three prior dismissals on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted,<sup>2</sup> and does not allege that he is under imminent danger of serious physical injury, this case is **DISMISSED without prejudice** pursuant to 28 U.S.C. 1915(g).<sup>3</sup> The Clerk is directed to terminate any pending motions, and close the file.

**DONE and ORDERED** in Tampa, Florida on May 2, 2014.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
*Pro se* Plaintiff

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<sup>2</sup>Review of Court records reveals that Plaintiff has filed numerous civil actions, many which were dismissed as frivolous or rejected because of the application of the three-strikes bar. *See e.g., Searcy v. Microsoft Corp.*, case no. 5:04-cv-570 (dismissing for failure to state a claim and noting eight earlier actions brought by Plaintiff which were dismissed as frivolous); *see also Searcy v. Sumter County*, case no. 14-3046 (D. Kan 2014)(dismissing case pursuant to three strikes provision).

<sup>3</sup>“[T]he proper procedure is for the district court to dismiss the complaint without prejudice when it denies the prisoner leave to proceed *in forma pauperis* pursuant to the three strikes provision of § 1915(g). The prisoner cannot simply pay the filing fee after being denied *in forma pauperis* status. He must pay the filing fee at the time he initiates the suit.” Dupree v. Palmer, 284 F.3d 1234,1236 (11<sup>th</sup> Cir. 2002)