

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DONTAVIOUS TAY SMITH,

Plaintiff,

v.

Case No. 6:15-cv-527-Orl-37KRS

CRITELLI'S AUTO MART, LLC;
NICHOLAS C. CRITELLI; AMSCOT
FINANCIAL, INC.; CREDIT ONE BANK,
N.A.; TD BANK, N.A.,

Defendants.

ORDER

This cause is before the Court *sua sponte*. On October 29, 2015, the Court entered an Order addressing Plaintiff Dontavious Tay Smith's history of frivolous filings in the Middle District of Florida and other districts. (Doc. 16 ("**October 29 Order**").) In light of such history, the Court ordered Plaintiff to show cause by November 9, 2015, why a screening order should not be imposed on his future filings. *Id.* Plaintiff failed to respond to the October 29 Order by the requisite deadline. Therefore, pursuant the Court's findings in its October 29 Order, a limited restriction on additional filings by Plaintiff in this District is warranted. *See, e.g., Martin-Trigona v. Shaw*, 986 F.2d 1384, 1386–87 (11th Cir. 1993) (affirming dismissal of action filed in derogation of an injunction limiting a frivolous filer's access to court). Specifically, Plaintiff is precluded from filing additional lawsuits in this District without pre-screening by a judicial officer.

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. The Clerk is **DIRECTED** to terminate all pending motions and to **CLOSE** this file.
2. In addition to docketing this Order in this file, the Clerk is **DIRECTED** to open a miscellaneous file ("**Miscellaneous File**") and docket this Order therein.
3. All future complaints filed by Dontavious Tay Smith in the Orlando Division of the United States District Court for the Middle District of Florida are subject to the following pre-screening procedures: The Clerk is **DIRECTED** to forward all such complaints to the senior Magistrate Judge in the Orlando Division for preliminary review and screening. The Magistrate Judge will then determine whether the complaint has arguable merit.
 - a. If the action is found to be arguably meritorious—with a basis in both law and fact—the Magistrate Judge shall issue an order to that effect and direct the Clerk of Court to file the complaint for normal assignment. The order of the Magistrate Judge shall be docketed along with the complaint in the new civil case.
 - b. If the complaint is found to have no arguable merit, the Magistrate Judge shall enter an order stating such findings and docket the order in the Miscellaneous File. The Clerk's Office shall then enter a copy of the complaint in the Miscellaneous File and return the original complaint to Plaintiff. If Plaintiff's complaint is found to be meritless, Plaintiff may be subject to monetary sanctions in the amount of

\$500.00 per case and/or such other sanctions as the Court deems appropriate.

DONE AND ORDERED in Chambers in Orlando, Florida, on November 23, 2015.




ROY B. DALTON JR.
United States District Judge

Copies:

Pro Se Party