

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

VIRGIL LEE WILLIAMS,

Plaintiff,

v.

CASE NO. 1:13cv247-SPM-GRJ

SGT. STAPP,

Defendant.

_____ /

ORDER

This cause comes before the Court for consideration of the Magistrate Judge's Report and Recommendation, dated December 6, 2013. (Doc. 4). The Plaintiff filed an objection. (Doc 7). In accordance with Title 28, United States Code, Section 636(b)(1), I have determined that the Report and Recommendation should be adopted despite the objection.

The Magistrate Judge found that the Plaintiff failed to disclose the filing of two previous lawsuits relating to the fact or manner of his incarceration.¹ The Plaintiff was required to disclose these prior suits in his civil rights complaint form. In his objection, the plaintiff states that he now remembers filing one of the cases and omitted it from his complaint form because he did not remember it at that time. The failure to disclose is inexcusable, however, because when the Plaintiff filed his complaint on December 2, 2013, he had the benefit of a November 13, 2013 Report and Recommendation issued in another case in this District, *Williams v. Stapp*, Case No. 5:13-cv-333-WS-GRJ, which specifically advised the Plaintiff about the two cases. In any event, with the dismissal of *Williams v. Stapp*, Case No. 5:13-cv-333-WS-GRJ, the Plaintiff now has three strikes and cannot proceed in forma pauperis in this case. 28 U.S.C. § 1915(g).

¹ *Williams v. Romine*, Case No. 3:01cv90-RV, and *Williams v. Davis*, Case No. 3:97cv1123-RWN.

Accordingly, it is hereby ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 4) is ADOPTED and incorporated by reference in this order.

2. The Plaintiff's motion for leave to proceed *in forma pauperis* (doc. 2) is DENIED.

2. This case is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as an abuse of the judicial process and pursuant to 28 U.S.C. § 1915(g) because the Plaintiff has three strikes and is not in imminent danger of serious physical injury.

DONE AND ORDERED this 12th day of February, 2014.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE