

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

GREGORY DEATRICK BEARD,

Plaintiff,

v.

Case No.: 1:24cv215-MW/HTC

**GAINESVILLE POLICE
DEPARTMENT, *et al.*,**

Defendants.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No. 19, and has also reviewed *de novo* Plaintiff's objections, ECF No. 23. As noted in the report and recommendation, Plaintiff is a "three-striker" who seeks leave to proceed *in forma pauperis* and has not alleged that he falls within the imminent danger exception for "three-strikers." In addition, the Magistrate Judge recommends dismissal because Plaintiff failed to truthfully disclose his litigation history. In his objections, Plaintiff asserts he plans to now pay the filing fee. ECF No. 23 at 2. But this is too little, too late. Moreover, this does not undo Plaintiff's failure to truthfully disclose his litigation history. Instead, Plaintiff must re-file his claims and pay the filing fee under a new case number, unless he can, in good faith, allege he is in imminent danger of serious physical injury.

Accordingly,

IT IS ORDERED:

The report and recommendation, ECF No. 19, is **accepted and adopted**, over the Plaintiff's objections, as this Court's opinion. Plaintiff's motion to proceed *in forma pauperis*, ECF No. 17, is **DENIED**. The Clerk shall enter judgment stating, "Plaintiff's complaint is **DISMISSED without prejudice** because Plaintiff is a three-striker under 28 U.S.C. § 1915(g) who has neither paid the filing fee nor has alleged he is in imminent danger of seriously physical injury, and because Plaintiff failed to truthfully disclose his litigation history, which is malicious under 28 U.S.C. § 1915A(b)(1)." The Clerk shall close the file.

SO ORDERED on March 11, 2025.

s/Mark E. Walker

Chief United States District Judge