

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

JOSEPH MICHAEL DAVIS,

Plaintiff,

v.

Case No. 3:21cv1429-LC-HTC

SHERIFF CHIP SIMMONS,
J HILL,
DEPUTIES SEVERAL UNKNOWN NAMES,

Defendants.

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ORDER

The magistrate judge issued a Report and Recommendation on October 19, 2021 (ECF No. 4), recommending dismissal based on Plaintiff's failure to truthfully disclose prior litigation, status as a three-striker under 28 U.S.C. § 1915(g) and Plaintiff's failure to pay the filing fee at the time he initiated this action. The parties were furnished a copy of the Report and Recommendation and afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1).

Having considered the Report and Recommendation and conducted a *de novo* review of any timely filed objections thereto, I have determined the Report

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and Recommendation should be adopted.

Accordingly, it is **ORDERED**:

1. The magistrate judge's Report and Recommendation (ECF No. 4) is adopted and incorporated by reference in this order.

2. This case is **DISMISSED WITHOUT PREJUDICE** as frivolous or malicious under 28 U.S.C. § 1915(e)(2)(B)(i) for failing to truthfully disclose prior litigation history, and also because Plaintiff is a three-striker under 28 U.S.C. § 1915(g) who failed to pay the filing fee.

3. The clerk of court is directed to close this case.

DONE AND ORDERED this 19th day of November, 2021.

s/L.A. Collier
LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE