

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JONATHAN LEE RICHES,

Plaintiff,

vs.

Case No. 4:08cv476-MP/WCS

SARAH PALIN, et al.,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff, *pro se* in this action, has submitted a complaint, doc. 1, but has failed to either pay the Court's filing fee for this case, or submit a motion seeking leave to proceed *in forma pauperis*, supported by the required inmate bank account statement. The Clerk will *not be* directed to provide Plaintiff with the *in forma pauperis* application packet, however, because this case should be dismissed *sua sponte*.

Plaintiff's complaint is not appropriately filed in this Court because Plaintiff is a federal prisoner incarcerated in Salters, South Carolina. Doc. 1. None of the Defendants are located in the State of Florida, and none of the events fancifully depicted by Plaintiff are alleged to have taken place within the territorial jurisdiction of this Court. Plaintiff's allegations are not only insufficient to state a claim but are

removed from reality. For example, Plaintiff alleges that "Sarah Palin illegally shot Bullwinkle and Marty the Moose with Clark W. Griswold and she took my chevy chase credit card" Doc. 1, p. 3. Plaintiff is placed on notice that Rule 11 provides sanctions for plaintiffs who present false claims and allegations. FED. R. CIV. P. 11.¹

RECOMMENDATION

It is respectfully **RECOMMENDED** that Plaintiff's complaint, doc. 1, be **DISMISSED** as frivolous and malicious pursuant to 28 U.S.C. § 1915(e)(2), and the order adopting this report and recommendation direct the Clerk of Court to note on the docket that this cause was dismissed under 28 U.S.C. § 1915(e)(2)(B)(i).

IN CHAMBERS at Tallahassee, Florida, on November 10, 2008.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.

¹ Judicial notice is taken that Plaintiff has attempted to file a "notice of entry of appearance" as counsel in a case in the Southern District of Alabama. Case 1:08cr224-WS-C-1.