

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

DOUGLAS MARSHALL,

Plaintiff,

v.

CASE NO. 4:09cv78-RH/AK

FLORIDA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation (document 7) and the objections (document 11). I have reviewed *de novo* the issues raised by the objections. They are mostly gibberish.

As explained in the report and recommendation, the plaintiff is a prisoner with three "strikes" who is not entitled to proceed in forma pauperis absent a plausible allegation of imminent physical danger. The plaintiff has failed to pay the filing fee even though he knows—and the report and recommendation makes clear—that he cannot go forward without paying the fee. The case thus should be dismissed without further delay.

The report and recommendation suggests additional sanctions, but imposing them would be more trouble than simply dismissing the case. As a matter of discretion, I choose to dismiss the case with the least possible effort, precluding the plaintiff from continuing to waste judicial resources.

Accordingly,

IT IS ORDERED:

The report and recommendation is ACCEPTED. The plaintiff's motion (document 2) to proceed *in forma pauperis* is DENIED. The clerk must enter judgment stating, "This case is DISMISSED without prejudice." The clerk must close the file.

SO ORDERED on June 27, 2009.

s/Robert L. Hinkle
United States District Judge