

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

KEVIN M. OWENS,

Plaintiff,

v.

CASE NO. 4:10cv252-SPM/WCS

WALTER McNEIL, et al.,

Defendants.

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ORDER

THIS CAUSE comes for consideration upon the magistrate judge's report and recommendation dated September 16, 2010. Doc. 12. Plaintiff has been furnished a copy and has received two extensions of time to file objections. Docs. 14 and 17. He has requested a third extension (doc. 18) of another 30 days because his time on the library computer has been restricted to less than one hour a day. The 30 days have passed and Plaintiff has not filed any objections. No further extension is warranted because the issues in this case are straight forward.

The magistrate judge recommends dismissal of Plaintiff's case because Plaintiff has had at least 3 prior cases dismissed as frivolous or malicious or for

failure to state a claim. In addition, Plaintiff intentionally failed to disclose his prior litigation. Plaintiff was provided with an accounting of his prior cases by the Middle District of Florida and he is responsible for keeping track of his litigation history.

Pursuant to Title 28, United States Code, Section 636(b)(1), I have determined that the report and recommendation is correct and should be adopted. Accordingly, it is

ORDERED AND ADJUDGED:

1. The magistrate judge's report and recommendation (doc. 12) is ADOPTED and incorporated by reference in this order.
2. This case is dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).
3. As a sanction for Plaintiff's intentional failure to disclose his prior litigation, he is liable for payment of the filing fee in this case.
4. The motion for extension of time (doc. 18) and the other pending motions are denied.

DONE AND ORDERED this 6th day of January, 2011.

s/ Stephan P. Mickle
Stephan P. Mickle
Chief United States District Judge