

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

DANIEL J. LEVITAN,

Plaintiff,

v.

CASE NO. 4:12cv643-RH/GRJ

SECRETARY, 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, ECF No. 8. No objections have been filed. The report and recommendation correctly notes that a prisoner's complaint may properly be dismissed for failing to truthfully disclose prior lawsuits. The report and recommendation is adopted as the court's opinion. And the plaintiff has failed to pay the filing fee or move for leave to proceed in forma pauperis, thus providing an additional basis for dismissal. Accordingly,

**IT IS ORDERED:**

The clerk must enter judgment stating, “This case is dismissed without prejudice.” The clerk must close the file.

SO ORDERED on March 4, 2013.

s/Robert L. Hinkle  
United States District Judge