

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

WILLIAM HOWER MELENDEZ,

Plaintiff,

v.

4:13cv597-WS

SECRETARY, DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed March 14, 2014. See Doc. 20. The magistrate judge recommends that the plaintiff's complaint and this case be dismissed for abuse of the judicial process under 28 U.S.C. § 1915(e) based on the plaintiff's failure to fully disclose his prior litigation history. The plaintiff has filed objections (doc. 21) to the magistrate judge's report and recommendation.

Having reviewed the record in this case as well as the record in multiple

cases filed by the plaintiff in the Middle District of Florida, the court has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 20) is hereby ADOPTED and incorporated by reference into this order.
 2. The order (doc. 4) granting the plaintiff's motion for leave to proceed in forma pauperis is VACATED.
 3. The plaintiff's motion (doc. 2) for leave to proceed in forma pauperis is DENIED.
 4. Any monies collected from the plaintiff to date shall be retained by the court as a sanction for the plaintiff's failure to honestly disclose his prior filings.
 5. The plaintiff's complaint and this action are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as an abuse of the judicial process because the plaintiff did not truthfully and fully disclose his prior litigation history.
3. The clerk shall enter judgment stating: "All claims are dismissed without prejudice."
 4. The clerk shall note on the docket that this case was dismissed pursuant to 28 U.S.C. § 1915(g).

DONE AND ORDERED this 26th day of March, 2014.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE