

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

ANTONIO LAVOCIA WARD,

Plaintiff,

v.

CASE NO. 4:15cv331-RH/CAS

BILL PROCTOR 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. 4, the motion to reconsider, ECF No. 6, and the objections, ECF No. 7, as well as the motion for leave to amend the complaint, ECF No. 5. I have reviewed *de novo* the issues raised by the objections.

As noted in the report and recommendation, the plaintiff has at least three "strikes" under 28 U.S.C. § 1915(g) and has not alleged that he is in imminent danger of serious physical injury. The plaintiff therefore cannot proceed *in forma pauperis*.

Even if this were not so, the complaint still would be subject to dismissal without prejudice based on the plaintiff's failure to accurately disclose his prior lawsuits on the complaint form. Dismissal without prejudice is not too severe a sanction under these circumstances. If the form is to serve its purpose, a plaintiff must provide accurate information. If word got around the prisons that inaccurate or incomplete information could be provided with no effective sanction, the form would serve little purpose. And word does get around the prisons.

Finally, the plaintiff will not be granted leave to amend. First, the proposed amendment would not cure the plaintiff's ineligibility to proceed in forma pauperis and would not change the fact that the plaintiff failed to provide complete, accurate information on the complaint form. Second, amendment would be futile in another respect: the plaintiff's claims are rather plainly unfounded on the merits.

For these reasons,

IT IS ORDERED:

1. The report and recommendation is **ACCEPTED** and adopted as the court's opinion.

2. The motion for leave to amend, ECF No. 5, and motion to reconsider, ECF No. 6, are denied.

3. The clerk must enter judgment stating, “The complaint is dismissed without prejudice under 28 U.S.C. § 1915(g).”

4. The clerk must close the file.

SO ORDERED on August 24, 2015.

s/Robert L. Hinkle
United States District Judge