

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

RANDALL LAMONT ROLLE,

Plaintiff,

v.

4:17cv202-WS/GRJ

FNU MAKER, et al.,

Defendants.

ORDER OF DISMISSAL

Before the court is the magistrate judge's report and recommendation (doc. 9) docketed May 5, 2017. The magistrate judge recommends that the plaintiff's complaint be dismissed pursuant to three-strikes bar set forth in 28 U.S.C. § 1915(g). While the plaintiff has filed what he characterizes as an "objection" (doc. 10) to the magistrate judge's report and recommendation, he utterly fails to address the three-strikes bar of § 1915(g).

Having confirmed that the plaintiff has had more than three prior cases that

qualify as strikes under § 1915(g),¹ the court has determined that the magistrate judge's report and recommendation is due to be adopted. Accordingly, it is

ORDERED:

1. The magistrate judge's report and recommendation (doc. 9) is hereby ADOPTED and incorporated by reference into this order.
2. The plaintiff's complaint and this action are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(g).
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).

¹ In support of his three-strikes recommendation, the magistrate judge in this case cited a case from the Middle District of Florida, *Rolle v. Edmondson*, No. 3:10cv1093–MMH, as having been dismissed pursuant to the three-strikes bar. While that case was originally dismissed as barred under § 1915(g), the Middle District Court vacated its original dismissal order once it learned that the plaintiff had paid the filing fee, making dismissal under § 1915(g) improper. The Middle District Court later dismissed the case because the plaintiff sought monetary relief from defendants who are immune from such relief. Although vacated, the Middle District's original dismissal order recounted three prior cases that qualified as strikes under § 1915(g), two in the Northern District of Florida (No. 4:06cv373–MP–WCS and No. 4:07cv167–RH–AK) and one in the Middle District of Florida (No. 3:07cv48–VMC–MCR). The plaintiff's litigation history includes other prior cases that qualify as strikes as well (including, but not limited to, No. 4:06cv401–RH–WCS, No. 4:06cv406–MP–WCS, and No. 4:14cv349–RH–GRJ).

DONE AND ORDERED this 25th day of May, 2017.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE