

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

JORGE L. NIEBLA,

Plaintiff,

v.

CASE NO. 5:09cv199-SPM/AK

DUNAWAY, et al.,

Defendant.

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**ORDER**

THIS CAUSE comes before the court on the magistrate judge's report and recommendation dated August 21, 2009 (doc. 4). Plaintiff has filed objections (doc. 5) and a motion to be transferred (doc. 6). In accordance with Title 28, United States Code, Section 636(b)(1), I have determined that the report and recommendation should be adopted. Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 4) is ADOPTED and incorporated by reference in this order.
2. This case is dismissed as frivolous.
3. The motion to be transferred (doc. 6) is denied.
4. Plaintiff has acted in bad faith in bringing this case. The Court recommends that disciplinary action be taken against Plaintiff in accordance with

§ 944.279(1), Florida Statutes.

5. All complaints submitted by Plaintiff for filing must include on the front page in bold letters “**IMMINENT DANGER OF SERIOUS INJURY**” supported by specific facts in the body of the complaint, and must be accompanied at that time by a motion to proceed in forma pauperis or by the full filing fee. If Plaintiff fails to comply with these requirements, the clerk shall return Plaintiff’s papers without filing. If Plaintiff’s future complaints do not support a finding for imminent danger of serious injury, additional disciplinary action will be sought against Plaintiff.

6. The clerk is directed to close the file.

DONE AND ORDERED this 30th day of September, 2009.

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