

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

ROBERT GIBSON,

Plaintiff,

vs.

CASE NO. 5:10-cv-37-SPM/MD

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court for consideration of the Magistrate Judge's Report and Recommendation (doc. 7). Plaintiff has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff filed an objection (doc. 9). Pursuant to Title 28, United States Code, Section 636(b)(1), I have conducted a de novo review of the sections of the report to which objections have been made. I find that the Report and Recommendation is correct and should be adopted.

A review of the record reveals that Plaintiff has an evident pattern of filing frivolous lawsuits, as well as a history of dishonesty with the Courts regarding the number of cases he has previously filed. The Court finds that, given the number of prior cases that the Plaintiff failed to disclose in the complaint form, the

Plaintiff's lack of candor was not merely the result of an oversight. Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 7) is **adopted** and incorporated by reference into this order.
2. Plaintiff's complaint is **dismissed without prejudice** as an abuse of the judicial process. The Clerk of Court shall note on the docket that this cause was dismissed as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

DONE AND ORDERED this eighteenth day of March, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge