

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

CORY T. PERRY,

Plaintiff,

v.

CASE NO. 5:10cv311-RH/EMT

WALTER McNEIL, 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. 9, and the objections, ECF No. 10. I have reviewed *de novo* the issues raised by the objections.

The report and recommendation concludes that the case should be dismissed without prejudice based on the plaintiff's failure to disclose a prior lawsuit as required by this district's standard prisoner civil-rights complaint form. Dismissal without prejudice is not too severe a sanction under these circumstances, especially for a complaint with allegations like the plaintiff's. 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.

For these reasons, and the additional reasons set out in the report and recommendation,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The complaint is dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B)." The clerk must close the file.

SO ORDERED on January 31, 2011.

s/Robert L. Hinkle
United States District Judge