

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

CALVIN C MONTS, II,

Plaintiff,

v.

CASE NO. 5:12-cv-00258-MP-GRJ

DEPARTMENT OF CORRECTIONS, CLINTON GREER, REYMOND HILL,

Defendants.

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ORDER

This matter is before the Court on Doc. 18, Report and Recommendation of the Magistrate Judge, which recommends dismissing this case with prejudice. The time for filing objections has passed, and none have been filed.

Among many other arguments, the defendants note that plaintiff completed the Amended Complaint (Doc. 11) on the Court's form and signed it under penalty of perjury yet failed to disclose 10 prior cases, instead disclosing two and stating that he was unsure of his prior cases. A plaintiff's lack of candor, failure to disclose previous lawsuits as clearly required on the Court's prisoner civil rights complaint form warrants dismissal of the complaint for abuse of the judicial process. See Redmon v. Lake County Sheriff's Office, No. 10-11070, 2011 WL 576601 *4 (11th Cir. Feb. 10, 2011). In light of Plaintiff's explanation in his response and the age of the previous federal cases, the Magistrate Judge recommends that dismissal is not necessary, and that dismissal on the merits (and with prejudice) would be better than dismissing the case without prejudice. While the undersigned respects the Magistrate Judge's concerns for judicial economy, proceeding in this manner could erode the importance of prisoner litigants being

honest when disclosing the number and details of prior cases. The undersigned finds that plaintiff was not clear or forthright when disclosing his prior cases, and for that reason shall dismiss the case without prejudice to plaintiff filing a new case, subject to a new filing fee, in which he properly discloses all of his prior litigation. Accordingly, it is

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge is rejected, and this case dismissed without prejudice for abuse of the judicial process.

DONE AND ORDERED this 27th day of September, 2013

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge