

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

MANDINGO BOOBYYAA,

Plaintiff,

v.

5:12cv403-WS

KENNETH TUCKER, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed April 23, 2013. See Doc. 16. The magistrate judge recommends that the plaintiff's complaint and this case be dismissed for abuse of the judicial process under 28 U.S.C. § 1915(e) and/or as barred by the "three strikes" provision of 28 U.S.C. § 1915(g). The plaintiff has filed no objections to the magistrate judge's report and recommendation.

The magistrate judge also recommends that the plaintiff's motion to proceed *in forma pauperis* be denied. As correctly noted by the magistrate judge, the plaintiff is subject to the PLRA's "three strikes" provision because he has had three or more prior cases dismissed under 28 U.S.C. § 1915(e). Without payment of the filing fee, the plaintiff may not proceed with this case. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 33) is hereby ADOPTED and incorporated by reference into this order.
2. The plaintiff's motion (doc. 2) for leave to proceed *in forma pauperis* is DENIED.
3. The plaintiff's complaint and this action are DISMISSED pursuant to 28 U.S.C. § 1915(e) as an abuse of the judicial process because the plaintiff did not truthfully disclose his prior litigation history or section 1915(e) dismissals.
4. The clerk shall enter judgment stating: "All claims are dismissed without prejudice."
5. The clerk shall note on the docket that this case was dismissed pursuant to 28 U.S.C. § 1915(g).

DONE AND ORDERED this 23rd day of May, 2013.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE