

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

ROBERT A. ROBINSON,

Plaintiff,

v.

5:13cv276-WS

CORRECTIONS CORPORATION
OF AMERICA, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed August 28, 2013. See Doc. 4. 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) based on the plaintiff's failure to fully disclose his prior litigation history. The plaintiff has filed objections (doc. 5) to the magistrate judge's report and recommendation.

In his objections, the plaintiff asks the court to excuse his "mistakes," which he attributes to old age, faulty memory, lack of access to legal materials, and "hurry to file this case." The plaintiff does not otherwise explain why he was able to remember—and to partially disclose—a case filed in 1997 (3:97cv1303, dismissed prior to service based on false responses regarding litigation history) but was unable to remember—or to

disclose at all—a case filed in 1996 (5:96cv180, dismissed prior to service as frivolous, for failure to state a claim, and for seeking monetary relief from immune defendants) and a case filed as recently as 2009, (5:09cv479, dismissed prior to service for failure to state a claim and for seeking monetary relief from immune defendants).

Having reviewed the record in light of the plaintiff's objections, the court has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 4) is hereby ADOPTED and incorporated by reference into this order.

2. The plaintiff's complaint and this action are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as an abuse of the judicial process because the plaintiff did not truthfully and fully disclose his prior litigation history.

3. The clerk shall enter judgment stating: "All claims are dismissed without prejudice."

4. The clerk shall note on the docket that this case was dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

DONE AND ORDERED this 17th day of October, 2013.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE