

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

REYNALDO EDMUND MILLETTE,

Plaintiff,

v.

Case No. 5:24-cv-222-AW-MJF

S. BIGGENS,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

The magistrate judge issued a report and recommendation concluding the court should dismiss without prejudice for maliciousness and abuse of the judicial process. ECF No. 15. The magistrate judge explains that Plaintiff Millette did not properly disclose his litigation history. Millette has not filed any objection.¹

I have carefully considered the matter, and I now adopt the report and recommendation and incorporate it into this order. I agree that dismissal without prejudice is appropriate and that a lesser sanction would be insufficient. I also note that there is no indication this dismissal would operate in practice as one with prejudice, because there is no indication the statute of limitations has run.

¹ After the report and recommendation issued, Millette filed a “Notice,” but that addressed withdrawals for partial filing fees and did not take issue with the report and recommendation. ECF No. 16.

The clerk will enter a judgment that says, “This case is dismissed without prejudice, pursuant to 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2)(B)(i), for maliciousness and abuse of the judicial process.” The clerk will then close the file.

SO ORDERED on March 10, 2025.

s/ Allen Winsor
United States District Judge