

United States District Court
for the
Southern District of Florida

Brandon Samuel Priest III,)	
Petitioner,)	
v.)	Case No. 18-60015-Civ-Scola
Krista Richman and others,)	
Respondents.)	

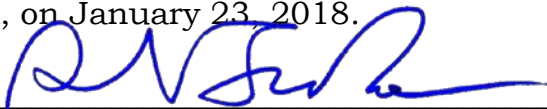
Order Adopting Magistrate Judge's Report And Recommendation

This case was referred to United States Magistrate Judge Patrick A. White, consistent with Administrative Order 2003-19 of this Court, for a ruling on all pre-trial, nondispositive matters and for a Report and Recommendation on any dispositive matters. On January 5, 2018, Judge White issued a Report, recommending that Petitioner Brandon Samuel Priest III's 42 U.S.C. § 1983 lawsuit, complaining about a lack of medical treatment for what he describes as a ruptured tendon in his hand, be dismissed. (Report of Magistrate, ECF No. 3.) Priest has not filed any objections to the report and the time to do so has passed.

The Court has considered Judge White's report, the record, and the relevant legal authorities. Judge White explains that Priest is a "three-strike" filer, as provided for under 28 U.S.C. § 1915(g), and therefore cannot proceed *in forma pauperis* unless he can show he is under imminent danger of serious physical injury. As described by Judge White, Priest alleges, at most, a garden-variety claim of deliberate indifference to serious medical needs. His allegations do not rise to the level of an imminent danger of serious injury.

The Court finds Judge White's report and recommendation cogent and compelling. The Court **affirms and adopts** Judge White's report and recommendation (**ECF No. 3**). The Court thus **dismisses** Priest's complaint **without prejudice**. Priest may file his complaint anew but it must be accompanied by payment of the full filing fee. Even with the filing fee, however, Priest is advised that his lawsuit will still be subject to the screening provisions of 28 U.S.C. § 1915A. The Court directs the Clerk to **close** this case.

Done and Ordered at Miami, Florida, on January 23, 2018.



Robert N. Scola, Jr.
United States District Judge

Copy via U.S. mail to:
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