

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

JOSE R. DIAZ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	1:05-CV-137 (WLS)
	:	
DEWAYNE AYERS, LARRY	:	
EDWARDS.,	:	
	:	
Defendants.	:	
_____	:	

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. 4), filed March 7, 2005. It is recommended that Plaintiff’s motion to proceed *in forma pauperis* (Doc. 1) be denied and that the complaint (Doc. 2) be dismissed without prejudice. Plaintiff has filed a timely objection. (Doc. 5).

In his objection, Plaintiff attempts to argue that he is not subject to the “three strikes” limitation of the PRLA , 28 U.S.C. 1915(a). Even though, Diaz admitted in his objection that he had filed numerous *pro se* § 1983 actions against various prison officials that had been dismissed, he argues that he is not subject to the “three strikes” rule of the PLRA. Plaintiff does not cite any persuasive authority supporting his argument.

Upon full review and consideration upon the record, the Court finds that said Recommendation (Doc. 4) should be and hereby is, **ACCEPTED, ADOPTED** and made the order of this Court for reason of the findings and reasons set out therein, together with the

findings made, reasons stated and conclusion reached herein. Accordingly, Plaintiff's motion to proceed *in forma pauperis* (Doc. 1) is **DENIED** and his complaint for relief (Doc. 2) is **DISMISSED without prejudice.**

SO ORDERED, this 21st day of June, 2006.

/s/W. Louis Sands
W. LOUIS SANDS, CHIEF JUDGE
United States District Court