

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

TRACY ANTHONY MILLER,)	
)	
Plaintiff,)	
)	
v.)	CV 113-049
)	
DENNIS BROWN, Warden, et al.,)	
)	
Defendants.)	

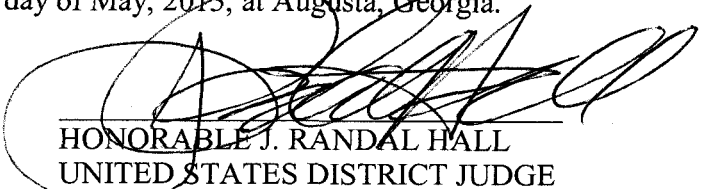
ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation ("R&R"), to which objections have been filed (doc. nos. 5, 6). The Magistrate Judge recommended that Plaintiff's complaint be dismissed for several reasons, including, *inter alia*, the fact that it is overtly duplicative of many of Plaintiff's prior filings and that it is the embodiment of a "quintessential shotgun pleading." (Doc. no. 3, pp. 2-4.) The Magistrate Judge also relied on his finding that one of Plaintiff's prior cases – Miller v. Brown, CV 112-166 (S.D. Oct. 29, 2012) (hereinafter "CV 112-166") – wherein he raises many of the same allegations as in the instant complaint, was pending on appeal before the Eleventh Circuit at the time that the R&R was entered. (Id. at 4-5.) The Court is aware that, since the time the Magistrate Judge entered his R&R, the Eleventh Circuit has dismissed Plaintiff's appeal in CV 112-166. See CV 112-166, doc. no. 62. However, because the Magistrate Judge articulated the various other reasons described above for recommending that Plaintiff's complaint be dismissed, the Court finds that the Eleventh Circuit's dismissal of Plaintiff's appeal in CV 112-166 does not warrant a deviation from the Magistrate Judge's

recommendation.

Accordingly, the Report and Recommendation of the Magistrate Judge, as modified herein, is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's complaint is **DISMISSED**, his request to proceed *in forma pauperis* is **DENIED AS MOOT**, and this civil action is **CLOSED**.

SO ORDERED this 20th day of May, 2013, at Augusta, Georgia.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA