

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

AUGUSTA DIVISION

JOHNNY VAUGHNS)

Plaintiff,)

v.)

CV 116-047

SHERIFF FNU ROUNDTREE,)
et al.,)

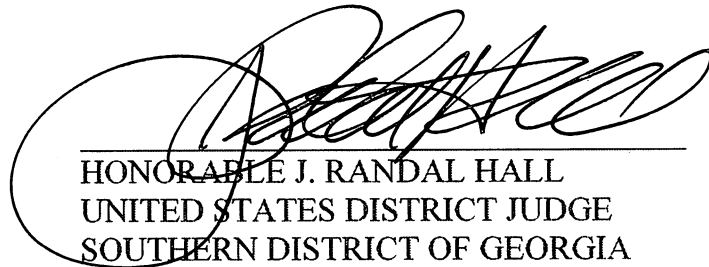
Defendants.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 17.) Plaintiff concedes he did not provide accurate responses to the questions on the complaint form but asks the Court to excuse his mistake. The Court declines to do so. Although Plaintiff contends his failure to disclose his prior lawsuits was the result of a "grave misunderstanding," the questions on the form are clear. It asks if Plaintiff has "ever submitted a lawsuit for filing in any federal or state court dealing with the SAME FACTS involved in this lawsuit or otherwise related to your imprisonment," to which Plaintiff checked "No." (Doc. no. 1, p. 2.) (emphasis in original). It also asks if Plaintiff has "ever submitted a lawsuit for filing in any federal or state court dealing with facts OTHER THAN those involved in this lawsuit," to which Plaintiff also checked "No." (*Id.*) (emphasis in original). Moreover, as the case law cited in the Report and Recommendation makes clear,

failing to disclose prior filing history will not be tolerated, and the Eleventh Circuit has repeatedly approved of dismissing a case without prejudice as a sanction. (See doc. no. 15, p. 3.) Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DENIES** as moot Plaintiff's Motion to Appoint Counsel (doc. no. 11), **DISMISSES** this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, and **CLOSES** this civil action.

SO ORDERED this 20th day of September, 2016, at Augusta, Georgia.



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