

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

TRAVION REID,)	
)	
Plaintiff,)	
)	
v.)	CV 117-032
)	
SCOTT WILKES; STAN SHEPARD;)	
RUTHIE SHELTON; MRS. BUSSEY;)	
MARY ALSTAN; P.A. CAIN;)	
AYAZ CHAUDHARY;)	
KIMBERLY FOUNTAIN; and)	
GREGORY DOZIER,)	
)	
Defendants.)	

ORDER

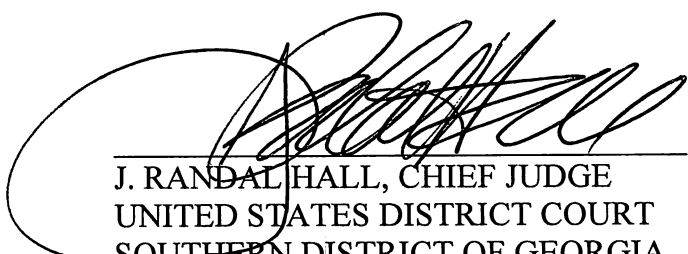
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed, (doc. no. 18). The Magistrate Judge recommended dismissing the case without prejudice because Plaintiff provided dishonest information about his filing history, and recommended denying as moot all other pending motions. (Doc. no. 16.) The Magistrate Judge identified a prior case Plaintiff had filed, but failed to disclose, dealing with the same facts as this action. (Id. at 3.) Despite the overlap of named Defendants and a shared core issue concerning Plaintiff's Hepatitis B, Plaintiff contends his cases raise "two totally different issues." (Doc. no. 18, p. 4.) The Court disagrees.

But even if the undisclosed case identified by the Magistrate Judge could be considered as not "dealing with same facts involved in this action," then Plaintiff provided

dishonest information by not identifying the case under the question on the complaint form requiring disclosure of any lawsuits dealing with facts other than those involved in this action. (See doc. no. 1, p. 2.) Under either scenario, Plaintiff's complaint is subject to dismissal without prejudice as a sanction. 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. 16, pp. 3-5.)

Accordingly, the Court **OVERRULES** all of Plaintiff's objections and **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion. Therefore, the Court **DISMISSES** this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, **DENIES AS MOOT** the motions to be placed in federal custody, to amend, for a preliminary injunction and a temporary restraining order, and to proceed without paying the initial partial filing fee, (doc. nos. 10, 12, 14-1, 14-2, 15), and **CLOSES** this civil action.¹

SO ORDERED this 10th day of July, 2017, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹As the dismissal is without prejudice, nothing in this Order puts any additional restrictions on Plaintiff's filing activities beyond those already in place for any prisoner filing a new case in federal court.