

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.
2020 JAN 13 AM 11: 50
CLERK C. Robinson
SO. DIST. OF GA.

CALVIN SMITH,

Plaintiff,

v.

JUDGE E.M. WILKES; et al.,

Defendants.

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CIVIL ACTION NO.: 2:17-cv-137

ORDER

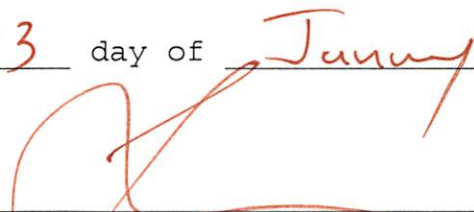
This matter is before the Court on Plaintiff's Objections, dkt. no. 50, to the Magistrate Judge's Report and Recommendation dated November 18, 2019. Dkt. No. 48. In his Report, the Magistrate Judge recommended the Court dismiss without prejudice Plaintiff's Complaint because Plaintiff failed to comply with the Court's March 13, 2018 and May 3, 2019 Orders, dkt. nos. 10, 26, instructing Plaintiff to file a complaint with only "factual allegations," omitting "legal argument or conclusions," and to "only assert claims that arose from the same transaction or occurrence or series of related transactions or occurrences." Dkt. No. 48. In both Orders, the Magistrate Judge advised Plaintiff that his failure to comply with the Court's directive would result in the dismissal of his Complaint. Dkt. Nos. 10,

26. Furthermore, in the latter Order, the Court issued a warning that Plaintiff had "one final opportunity to cure these defects." Dkt. No. 26, pp. 1-2.

In his Objections, Plaintiff states he has tried to comply with the Court's Orders. Dkt. No. 50, p. 1. He requests a hearing because he claims he can prove his allegations. Id. at p. 3. However, nothing in the Magistrate Judge's Report and Recommendation or previous Orders discusses the veracity, or truth, of Plaintiff's allegations. Dkt. No. 48. Rather, Plaintiff was twice given specific instructions for how to write a Rules-compliant pleading, and he did not comply with those instructions either time. Thus, the Court **VERRULES** Plaintiff's Objections.

After an independent and de novo review of the entire record, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation. The Court **DISMISSES** without prejudice Plaintiff's Complaint for failure to follow this Court's Orders, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Plaintiff *in forma pauperis* status on appeal.

SO ORDERED, this 13 day of January, 2020.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA