

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

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2015 MAY 18 PM 1:33
CLERK [Signature]
SO. DIST. OF GA.

DANTE GERMAINE FREDRICK,)
)
Plaintiff,)
)
v.)
)
BRAD HOOKS; PAULA DUNCAN;)
NURSE MOORE; L.T. HARRIS;)
SGT. TUCKER; WARDEN BARROWS;)
CAPTAIN GRIER; FNU DANFORD;)
GEORGIA DEPARTMENT OF)
CORRECTIONS TRANSFER)
DEPARTMENT; and L.T. ASKEW,)
)
Defendants.)

CV 314-153

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. 15). The Magistrate Judge recommended dismissing this case because Plaintiff did not, as instructed, file an amended complaint to cure pleading deficiencies that included attempted piecemeal amendment of seemingly unrelated claims from prisons in two different divisions of this Court and one prison in the Middle District of Georgia. (See doc. nos. 11, 13.) Indeed, at the time Plaintiff was instructed to file an amended complaint, his forty-four pages of pleadings amounted to the quintessential shotgun pleading that has been repeatedly

condemned by the Eleventh Circuit Court of Appeals. See Byrne v. Nezhad, 261 F.3d 1075, 1031 (11th Cir. 2001), *abrogated on other grounds by*, Douglas Asphalt Co. v. QORE, Inc., 657 F.3d 1146 (11th Cir. 2011); Magluta v. Samples, 256 F.3d 1282, 1284-85 (11th Cir. 2001).

Faced with a recommendation for dismissal, Plaintiff simultaneously filed his objections and an amended complaint. (Doc. nos. 15, 16.) Shortly thereafter, Plaintiff also filed a fifteen-page “Notice,” (doc. no. 17), identifying the United States as a “Fictitious Foreign State” and expounding upon a multitude of theories most closely associated with the “Sovereign Citizen” movement and its tactics commonly employed in federal criminal cases. See United States v. Perkins, No. 1:10-cr-97-1, 2013 WL 3820716, at *1-2 (N.D. Ga. July 23, 2013) (explaining typical obstructionist “‘Sovereign Citizenship’ Litigation Strategy”). None of these filings convince the Court that dismissal of this case is improper.

First, when directing Plaintiff to file an amended complaint, the Magistrate Judge explained to Plaintiff that under Federal Rule of Civil Procedure 20, he may not joint unrelated claims and various defendants unless the claims arise “out of the same transaction, occurrence, or series of transactions or occurrences and any question of law or fact common to all defendants will arise in the action.” (Doc. no. 11, p. 3.) Yet the untimely amended complaint again raises claims against different sets of Defendants located in different places who are alleged to have violated Plaintiff’s rights in different ways ranging from use of excessive force at a prison located in the Middle District of Georgia, to displaying deliberate

indifference to a serious medical need at a prison in the Southern District of Georgia. (See doc. no. 16.)

Second, Plaintiff ignored the Court's deadline for amending and only submitted an amended complaint after the recommendation for dismissal had been made, which was nearly a month after the original deadline. Yet, without explanation, Plaintiff was able to file his objections to the Magistrate Judge's recommendation for dismissal by the stated deadline. The Court gave Plaintiff fourteen days to file an amended complaint, he failed to comply with the Court's timeline, and dismissal is appropriate. See Worthy v. Georgia Dep't of Human Res., No. 2:05-cv-214, 2006 WL 91538, at *1 (S.D. Ga. Jan. 13, 2006) (Alaimo, J.) Moreover, Plaintiff's most recent "Notice" indicates his propensity to disregard the rules of law and pursue legal tactics that have repeatedly proven disruptive to the business of the federal courts. (See doc. no. 17.) The Court will not tolerate such obstructionist actions. Therefore, the Court **OVERRULES** Plaintiff's objections.

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, and for the additional reasons stated herein, **DISMISSES** this case without prejudice, and **CLOSES** this civil action.

SO ORDERED this 18 day of May, 2015, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE