

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

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2017 MAR -8 PM 4:39
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SO. DIST. OF GA.

WILLIAM RAYMOND BUSH,)
)
Plaintiff,)
)
v.) CV 316-089
)
CO2 LARHONDA SCOTT, Disciplinary)
Report Investigating Officer; LT. STEPHAN)
FOSTER, Supervisor; SGT. HOLLOMAN,)
Supervisor; and JOHN INMAN, Deputy)
Warden of Security,)
)
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. 19.) Nothing in Plaintiff’s objections undermines the Magistrate Judge’s recommendation, and only one objection warrants further comment.

First, Plaintiff repeatedly contends he does not have three strikes under the PLRA and therefore dismissal is improper. (See id. at 1-2.) However, the Magistrate Judge recommended dismissal based on Plaintiff’s failure to disclose his prior filing history, not because Plaintiff had three strikes. (See doc. no. 17, p. 3.) 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 id.) Therefore, Plaintiff’s contention is meritless.

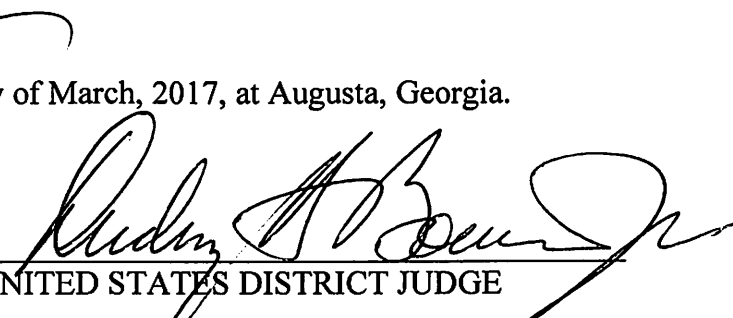
In addition, Plaintiff is not entitled to amend his complaint to correct his deficient filing history. As this Court previously held:

[W]hile courts must give a plaintiff at least one chance to amend a complaint that fails to state a claim for relief, Plaintiff's transgression in this case was not a failure to state a claim. Rather, Plaintiff attempted to obfuscate his extensive filing history, an offense for which dismissal without prejudice is the appropriate sanction.

Thomas v. Ammons, No. CV 409-139, 2009 WL 5174109, at *1 (S.D. Ga. Dec. 23, 2009) (internal citations omitted).

Accordingly, the Court **OVERRULES** the objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DENIES** Plaintiff's motions for preliminary injunction (doc. nos. 3, 6, 7, 12), **DENIES AS MOOT** Plaintiff's motions to proceed without paying the initial fee (doc. nos. 15, 16), **DISMISSES** this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, and **CLOSES** this civil action.

SO ORDERED this 5th day of March, 2017, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE