

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

DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2018 FEB -9 PM 3:00

CLERK
SO. DIST. OF GA.

KENNETH GLENN,)

Plaintiff,)

v.)

JOHNSON STATE PRISON; MRS. K.)

WILLIAMS, Chief Counselor; MRS.)

WICKER HUMPHRIES, Counselor; SHAWN)

EMMONS, Warden; MRS. PRICE, Deputy)

Warden; MRS. BAKER, Counselor;)

JEFFREY WIGGINS, Sergeant; MR.)

O'NEAL, Unit Manager; GOVERNOR)

NATHAN DEAL; HOMER BRYSON,)

Commissioner GDC; GDC; MR. JEFFERSON,)

Deputy Warden of Security; MRS. PERRY,)

Mental Health Counselor; JOHN DOE,)

Johnson State Prison's Medical Provider;)

JSP MEDICAL DIRECTOR; MRS.)

ANDREWS-BODI, NA/PA; BRIAN DOE,)

Nurse; JSP PSYCHIATRIC PROVIDER; and)

JOHN DOE, JSP Psychiatric Provider's)

Director,)

Defendants.)

CV 317-059

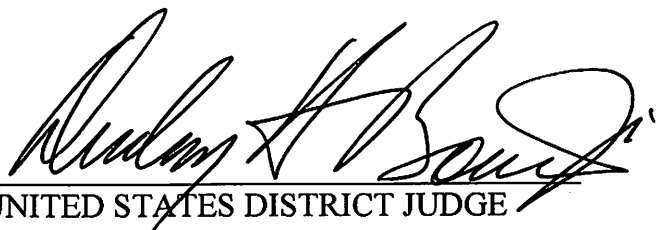
ORDER

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. 27.) Plaintiff concedes he "forgot" to include his lawsuit against the Madison County Sheriff's Department but "beg[s] this Court's forgiveness" and asks the Court to excuse his mistake. (*Id.*) The Court declines to do so. The instructions in the complaint form are clear. They

ask Plaintiff to “describe *each* lawsuit in the space below,” and instruct Plaintiff that “[i]f there is more than one lawsuit, *describe the additional lawsuits on another piece of paper*, using the same outline.” (Doc. no. 18, p. 1 (emphasis added).) Plaintiff listed two of his prior cases, but not Glenn v. Madison County Sheriff’s Department et al., CV 316-008 (M.D. Ga. Oct. 26, 2015). (Id. at 1-2.) Finally, 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. 22, pp. 3-4.)

In sum, Plaintiff abused the judicial process by providing dishonest information about his prior filing history. Nothing in these objections changes that fact. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DENIES** Plaintiff’s Motion Objecting to Dismissal (doc. no. 27), **DENIES AS MOOT** Plaintiff’s Motion My Mama Forgot to Pay \$45.00 Initial Fee (doc. no. 21), **DISMISSES** this case without prejudice as a sanction for Plaintiff’s abuse of the judicial process, and **CLOSES** this civil action.

SO ORDERED this 9th day of February, 2018, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE