

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2015 DEC 18 AM 10:19

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MICHEAL A. BRIGHT,

Plaintiff,

v.

CORIZON HEALTH  
CORPORATION, *et al.*

Defendants.

Case No. CV415-145

**ORDER**

Inmate Micheal (not Michael) A. Bright, proceeding *pro se*, brings this 42 U.S.C. § 1983 lawsuit over the medical care he received inside the Chatham County, Georgia jail. Doc. 1 at 5. While there, he says, he “was given medication by a nurse employee of Corizon Health, Inc. (nurse Simmons) that was the direct cause of my heart flatlining 3 (three) times and having me hospitalized for 17 (seventeen) day[s]. . . .” *Id.* Bright “hold[s] the employer . . . responsible for nearly taking my life away from me!” *Id.* He seeks \$3 million. *Id.* at 6.

There are Michael (not Micheal) A. Bright lawsuits on this Court’s

docket. Attached are pre-digital-docket<sup>1</sup> sheets for *Bright v. Chatham Cnty Jail*, MC497-045, doc. 6 (S.D. Ga. June 9, 1997) (case dismissed); *Bright v. Savannah Police Dept.*, CV495-080, doc. 7 (S.D. Ga. May 17, 1995) (dismissing civil rights case as “legally frivolous”); and *Bright v. Chatham County Sheriff*, CV495-074, doc. 35 (S.D. Ga. Mar. 25, 1996) (summary judgment to defendant, plaintiff’s case dismissed).

In this lawsuit *Micheal A. Bright* used a standard § 1983 form complaint. Question 1(B) asked him, “[w]hile incarcerated in any facility, have you brought any lawsuits in federal court which deal with facts other than those involved in this action?” Doc. 1 at 2. Bright checked “no.” *Id.* Question 1(C) asked whether he suffered any dismissals in IFP actions “on the ground that [such were] frivolous, malicious, or failed to state a claim?” He checked “no” again. *Id.* at 3.

The veracity of these answers are especially significant because serial filers who seek IFP status face the three-strikes rule of 28 U.S.C. § 1915(g), as illuminated in *Owens v. Morales*, 2015 WL 5040245 at \* 1 (S.D.

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<sup>1</sup> In 1998 the Court digitized its filings (years later, this enabled E-filing). Prior year filings thus cannot be accessed without expensively retrieving them from the Federal Records Center. Short of that, one can gather what occurred in non-digitized cases by reading only the docket entries within them. Those entries summarize rulings made within court decisions. That is the case for the pre-1998 cases noted here.

Ga. Aug. 25, 2015) and *Williams v. Freeseemann*, 2015 WL 6798946 at \* 1 (S.D. Ga. Oct. 15, 2015). That provision states:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on *3 or more prior occasions*, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g) (emphasis added).

Bright's incentive to omit his prior case information is strong because of the § 1915(g) three-strike bar. If he is the same Michael A. Bright as the litigant who brought those cases, then it would also support the reasonable inference that he changed the spelling of his first name to thwart the Court's § 1915(g) detection efforts (binary computer systems can omit prior cases if a name is off by just one letter).

A warning to Bright: Lying manipulation is *not* tolerated here. *Willis v. Brown*, CV412-209, 2012 WL 6016834 at \* 1 (S.D. Ga. Dec. 23, 2012) ("Charles Anthony Willis, a 1915(g) three-striker, has once again lied to a judicial tribunal. Accordingly, his case should be dismissed for abusing the judicial process."), *adopted*, 2012 WL 6553919 (S.D. Ga. Dec.

12, 2012), *aff'd*, CV412-209, doc. 39 at 6 (11th Cir. July 30, 2013) (“[T]he District Court did not abuse its discretion when it dismissed Mr. Willis's complaint as a sanction for violating Rule 11 's prohibition against filing false pleadings.”).<sup>2</sup>

The Court therefore **ORDERS** Bright to show cause why this case should not be dismissed for lying to this Court. *See Shelton v. Rohrs*, 2010 WL 5122580 at \* 1 (11th Cir. Dec. 15, 2010) (upholding dismissal for misleading the court and noting that “[e]ven if Shelton did not have access to his materials, he would have known that he filed multiple previous lawsuits”); *McClain v. Nelson*, 2011 WL 675030 at \* 2 (S.D. Ga. Feb. 3, 2011), *adopted*, 2011 WL 674894 (S.D. Ga. Feb. 17, 2011).<sup>3</sup>

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<sup>2</sup> Furthermore, liars may be prosecuted. *See United States v. Dickerson*, CR608-36, doc. 1 (S.D. Ga. Dec. 11, 2008) (§ 2255 movant indicted for perjury for knowingly lying in his motion seeking collateral relief from his conviction); *id.*, doc. 47 (guilty verdict), *cited in Colony Ins. Co. v. 9400 Abercorn, LLC*, 866 F. Supp. 2d 1376, 1378 n. 2 (S.D. Ga. 2012) (collecting sanction cases).

<sup>3</sup> This is a well-traveled road:

The district court in *Hines v. Thomas* also uncovered, *inter alia*, prior case concealment, and that figured into that court's ruling that the plaintiff had engaged in “conduct that courts have deemed abusive, and for which, courts have imposed the double sanction dismissing the action without prejudice and counting the dismissal as a strike on the ground of being malicious.” 604 Fed.Appx. 796, 798 (11th Cir. 2015). The *Hines* appellate panel did not disagree with that misconduct assessment but ruled that the district court went too far. *Id.* at 800 (with prejudice dismissal of prisoner's case was an abuse of discretion,

If Bright insists that *another* Michael A. Bright filed those prior cases, then he must declare that under penalty of perjury. Hence, he must return, within 21 days of the date this Order is served, his Show Cause Declaration (using the attached Statement form). On it he must clearly print his full name, especially his first name, and confirm whether he has used different forms of it (and if so, what they were) in the past. Finally, he must (as he has usefully done with his latest Complaint, doc. 1 at 1 & 7) furnish his inmate number next to his signature, and do so in any future cases or appeals that he may file.

**SO ORDERED**, this 18th day of December, 2015.

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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lesser sanction to be considered on remand, where inmate was “certainly negligent in failing to inform the court of his litigation history, [but] his actions as a whole d[id] not present a clear record of willful misconduct.”). Even at that, a “without prejudice” dismissal likely would not have been reversed. *Id.* (“Had the dismissal truly been without prejudice to re-filing, the district court likely would not have abused its discretion in dismissing the action.”).

*Owens v. Morales*, 2015 WL 5040245 at \* 2 (S.D. Ga. Aug. 25, 2015); *see also id.* at \* 3 (the Court “gave Owens 21 days to complete a ‘Show Cause Statement,’ under penalty of perjury, why this case should not be dismissed without prejudice (and fetch a § 1915(g) strike) for misleading, if not deliberately lying to, this Court.”); *id.* (in response, he moved to voluntarily dismiss his case, and this Court granted it).

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

MICHEAL A. BRIGHT, )

Plaintiff, )

v. )

Case No. CV415-145

CORIZON HEALTH )  
CORPORATION, *et al.* )

Defendants. )

**MICHEAL A. BRIGHT'S SHOW CAUSE DECLARATION**

**MY COMPLETE LEGAL NAME IS (PRINT CLEARLY):**

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**OTHER NAMES I HAVE USED IN THE PAST, INCLUDING ANY ALIASES (PRINT CLEARLY):**

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**MY PREVIOUS LAWSUITS (CAPTION OF CASE, INCLUDING CASE NUMBER AND COURT(S) IN WHICH EACH CASE WAS FILED) (PRINT CLEARLY):**

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CLOSED,FRC

**U.S. District Court  
Southern District of Georgia (Savannah)  
CIVIL DOCKET FOR CASE #: 4:97-mc-00045-BAE  
Internal Use Only**

Bright v. Chatham County Jail, et al  
Assigned to: Judge B. Avant Edenfield  
Demand: \$0

Date Filed: 04/15/1997  
Date Terminated: 06/09/1997  
Nature of Suit: 0 zero  
Jurisdiction: 0

**Plaintiff****Michael A. Bright**

represented by **Michael A. Bright**  
9401 Dunwoody Drive  
Savannah, GA 31406  
PRO SE

V.

**Defendant****Chatham County Jail****Defendant****Gary R. Blake****Defendant****Officer Martha Lucas**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/15/1997		CASE assigned to Judge B. Avant Edenfield (nmt) (Entered: 04/17/1997)
04/15/1997		CASE REFERRED to Magistrate Judge G. R. Smith (nmt) (Entered: 04/17/1997)
04/15/1997	1	AFFIDAVIT by Michael A. Bright Re: IFP (nmt) (Entered: 04/17/1997)
04/21/1997	2	ORDER directing Plaintiff to advise the Court as to whether or not he wishes to proceed pursuant to PRLA ( signed by Magistrate Judge G. R. Smith ); copies served. (lsg) (Entered: 04/21/1997)
05/07/1997	3	MOTION by Michael A. Bright for dismissal (nmt) (Entered: 05/07/1997)
05/15/1997	4	REPORT AND RECOMMENDATIONS of Magistrate Judge G. R. Smith recommending that plaintiff's case be dismissed. Case no longer referred to Magistrate Judge G. R. Smith Objections to R and R due by 6/2/97 (dks) (Entered: 05/16/1997)



05/15/1997	5	ORDER directing Clerk to serve copies of R/R upon plaintiff and counsel for the defendant ( signed by Magistrate Judge G. R. Smith ); copies served. (dks) (Entered: 05/16/1997)
06/09/1997	6	ORDER adopting Magistrate's R & R as the opinion of this Court; case is DISMISSED. ( signed by Judge B. Avant Edenfield ); copies served. (lsc) (Entered: 06/09/1997)
06/09/1997		Case closed (lsc) (Entered: 06/09/1997)
07/31/2000		Record transferred to the FRC. Group #021, Accession # 00 0542, Box # 3 of 5, Location # 4-010-85-4-9 (bcw) Modified on 6/27/2007 (Hill, Mary Anne). (Entered: 07/31/2000)

CLOSED,FRC

**U.S. District Court  
Southern District of Georgia (Savannah)  
CIVIL DOCKET FOR CASE #: 4:95-cv-00080-BAE  
Internal Use Only**

Bright v. Savannah Police Dept, et al  
Assigned to: Judge B. Avant Edenfield  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/11/1995  
Date Terminated: 05/17/1995  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff****Michael Anthony Bright**

represented by **Michael Anthony Bright**  
EF-344352  
Post Office Box 7150  
Garden City, Ga 31418  
PRO SE

V.

**Defendant****Savannah Police Department****Defendant**

**David Gellatly**  
*Chief of Police*

**Defendant****Officer Kendrick**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/10/1995	1	AFFIDAVIT by Michael Anthony Bright Re: In Forma Pauperis (lsc) (Entered: 04/11/1995)
04/11/1995	2	ORDER granting [1-1] affidavit for in forma pauperis ( signed by Magistrate Judge G. R. Smith ); copies served. (lsc) (Entered: 04/11/1995)
04/11/1995	3	COMPLAINT filed nunc pro tunc 04/10/95 (lsc) (Entered: 04/11/1995)
04/11/1995		CASE REFERRED to Magistrate Judge G. R. Smith (lsc) (Entered: 04/11/1995)
04/21/1995	4	REPORT AND RECOMMENDATIONS of Magistrate Judge G. R. Smith recommends action be dismissed as legally frivolous. Case no longer referred to

		Magistrate G.R. Smith. Objections to R and R due by 5/1/95 (dks) (Entered: 04/24/1995)
04/21/1995	5	ORDER serving copy of R/R on plaintiff by Clerk of Court with objections filed with Clerk not later than May 8, 1995. ( signed by Magistrate Judge G. R. Smith ); copies served. (dks) (Entered: 04/24/1995)
05/17/1995	6	ORDER adopting Magistrate's R&R as opinion of the Court; case is dismissed. ( signed by Chief Judge B. Avant Edenfield ); copies served. (lsc) (Entered: 05/17/1995)
05/17/1995	7	JUDGMENT adopting Magistrate's R & R as opinion of the court for Savannah Police Dept, David Gellatly, Kendricks against Michael Anthony Bright (); copies served. (lsc) (Entered: 05/17/1995)
05/17/1995		Case closed (lsc) (Entered: 05/17/1995)
05/22/1995	8	OBJECTION by plaintiff Michael Anthony Bright to [7-1] judgment order, [6-1] order (nmt) (Entered: 05/24/1995)
09/17/1996		Record transfered to the FRC. Group #021, Accession # 96-0593, Box # 69 of 70, Location # 5-001-00-3-9 (slt) Modified on 4/3/2009 (mah). (Entered: 09/17/1996)

CLOSED,FRC

**U.S. District Court  
Southern District of Georgia (Savannah)  
CIVIL DOCKET FOR CASE #: 4:95-cv-00074-BAE-GRS  
Internal Use Only**

Bright v. Chatham County Sheri, et al  
Assigned to: Judge B. Avant Edenfield  
Referred to: Magistrate Judge G. R. Smith  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/03/1995  
Date Terminated: 03/25/1996  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff****Michael Anthony Bright**

represented by **Michael Anthony Bright**  
EF344352  
Valdosta Correctional Institution  
P.O. Box 310  
Valdosta, GA 31603-0310  
PRO SE

V.

**Defendant****Ricky Mikells**

represented by **Emily E. Garrard**  
Chatham County Attorney's Office  
P.O. Box 8161  
Savannah, GA 31412-8161  
912-652-7881  
Fax: 912-652-7887  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas J. Mahoney, Jr.**  
Ranitz, Mahoney & Mahoney, PC  
P.O. Box 786  
Savannah, GA 31402  
912-233-7961  
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Email: tmahoneyjr@ranitzlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text

04/03/1995		CASE REFERRED to Magistrate Judge G. R. Smith (nmt) (Entered: 04/04/1995)
04/03/1995	1	MOTION by Michael Anthony Bright to Proceed in Forma Pauperis nunc pro tunc 3-23-95 (nmt) (Entered: 04/04/1995)
04/03/1995	2	ORDER granting [1-1] motion to Proceed in Forma Pauperis. Directing Clerk to serve deft Ricky Mikells only. ( signed by Magistrate Judge G. R. Smith ); copies served. (nmt) Modified on 04/04/1995 (Entered: 04/04/1995)
04/03/1995	3	COMPLAINT nunc pro tunc 3-23-95 (nmt) (Entered: 04/04/1995)
04/20/1995	4	WAIVER OF SERVICE Returned Executed as to Ricky Mikells 4/17/95 Answer due on 6/16/95 for Ricky Mikells (lsg) (Entered: 04/20/1995)
06/14/1995	5	ANSWER to Complaint by Ricky Mikells (Attorney Thomas J. Mahoney Jr., Emily Elizabeth Garrard), (lsg) (Entered: 06/15/1995)
06/14/1995	6	ANSWER to Local Rule 8.6 Interrogatories by Ricky Mikells (lsg) (Entered: 06/15/1995)
06/14/1995	7	CERTIFICATE pursuant to Local Rule 1.6. by defendant Ricky Mikells (lsg) (Entered: 06/15/1995)
06/14/1995		SCHEDULING NOTICE setting Summary Judgment deadline on 11/11/95 ; Joining of parties,amending of pleadings by 8/13/95 ; Motion Filing deadline on 11/1/95 ; Discovery cutoff 10/12/95 ; Status Report due on 9/12/95 ; copies served. (lsc) (Entered: 07/26/1995)
07/03/1995	8	MOTION by Ricky Mikells for order authorizing affidavit of Tidelands Employee, Erma Lee with brief in support. (dks) (Entered: 07/05/1995)
07/25/1995	9	ORDER granting [8-1] motion for order authorizing affidavit of Tidelands Employee, Erma Lee ( signed by Magistrate Judge G. R. Smith ); copies served. (lsc) (Entered: 07/25/1995)
08/01/1995	10	MOTION by Ricky Mikells to Compel discovery with brief in support. (dks) (Entered: 08/01/1995)
08/29/1995	11	ORDER granting [10-1] motion to Compel discovery ( signed by Magistrate Judge G. R. Smith ) PI is Ordered to serve discovery responses w/i 10 days; copies served. (lsg) (Entered: 08/29/1995)
09/12/1995	12	MOTION by Ricky Mikells to Dismiss Complaint with brief in support. (lsc) (Entered: 09/13/1995)
09/12/1995	13	MEMORANDUM by Ricky Mikells in support of [12-1] motion to Dismiss Complaint by Ricky Mikells (lsc) (Entered: 09/13/1995)
09/12/1995	14	UNILATERAL STATUS REPORT by dft Ricky Mikells (lsc) (Entered: 09/13/1995)
09/12/1995	15	RESPONSE TO ORDER by plaintiff Michael Anthony Bright in reference to [11-1] order (dks) (Entered: 09/14/1995)
09/15/1995	16	

		ORDER directing pltf to respond to dft's interrogatories and request for production, set Discovery deadline to 10/15/95 ( signed by Magistrate Judge G. R. Smith ); copies served. (lsc) (Entered: 09/15/1995)
09/28/1995	17	ANSWER to Local Rule 8.6 Interrogatories by Michael Anthony Bright (dks) (Entered: 10/05/1995)
10/04/1995	18	ORDER directing dft to advise court of intentions regarding dft's motion to dismiss, set Notice of Compliance deadline to 10/14/95 ( signed by Magistrate Judge G. R. Smith ); copies served. (lsc) Modified on 10/05/1995 (Entered: 10/05/1995)
10/11/1995	18	AMENDED MOTION by Ricky Mikells to Dismiss referring to [12-1] motion to Dismiss Complaint by Ricky Mikells (lsg) (Entered: 10/11/1995)
10/16/1995	19	MOTION by Michael Anthony Bright for Protective Order with brief in support. (nmt) Modified on 10/16/1995 (Entered: 10/16/1995)
10/27/1995	20	RESPONSE by Ricky Mikells to [19-1] motion for Protective Order by Michael Anthony Bright (dks) (Entered: 10/27/1995)
10/31/1995	21	ORDER denying [19-1] motion for Protective Order ( signed by Magistrate Judge G. R. Smith ); copies served. (bcw) (Entered: 10/31/1995)
11/07/1995	22	MOTION by Ricky Mikells for Summary Judgment with brief in support. (dks) (Entered: 11/08/1995)
11/07/1995	23	MEMORANDUM by Ricky Mikells in support of [22-1] motion for Summary Judgment by Ricky Mikells (dks) (Entered: 11/08/1995)
11/07/1995	24	STATEMENT OF MATERIAL FACTS by defendant Ricky Mikells in support of [22-1] motion for Summary Judgment by Ricky Mikells (dks) (Entered: 11/08/1995)
11/07/1995		NOTICE issued re: [22-1] motion for Summary Judgment (dks) (Entered: 11/08/1995)
11/08/1995	25	MOTION by Michael Anthony Bright for Summary Judgment with brief in support. (dks) (Entered: 11/09/1995)
11/08/1995	26	RESPONSE TO ORDER by plaintiff Michael Anthony Bright in reference to [21-1] order (dks) (Entered: 11/09/1995)
11/13/1995	27	RESPONSE by Ricky Mikells to [25-1] motion for Summary Judgment by Michael Anthony Bright (dks) (Entered: 11/13/1995)
11/16/1995	28	REPORT AND RECOMMENDATIONS of Magistrate Judge G. R. Smith to deny Re: [25-1] motion for Summary Judgment; Motion no longer referred; copies served. Objections to R and R due by 12/4/95 (nmt) (Entered: 11/17/1995)
11/16/1995	29	ORDER that R/R be served upon pltf and cnsl for deft. ( signed by Magistrate Judge G. R. Smith ); copies served. (nmt) (Entered: 11/17/1995)
11/17/1995	30	RESPONSE by Michael Anthony Bright to [22-1] motion for Summary Judgment by Ricky Mikells (lsc) (Entered: 11/22/1995)

11/27/1995	31	OBJECTION by Michael Anthony Bright to [28-1] report and recommendations (dks) (Entered: 11/27/1995)
12/06/1995	32	ORDER adopting the Magistrate's R/R and denying [25-1] motion for Summary Judgment ( signed by Chief Judge B. Avant Edenfield ); copies served. (bcw) (Entered: 12/06/1995)
03/01/1996	33	DEFENDANT'S UNILATERAL PROPOSED PRETRIAL ORDER (dks) Modified on 03/01/1996 (Entered: 03/01/1996)
03/14/1996		Notice of change of address by Michael Bright, new address: P.O. Box 310 Valdosta, GA 31603 (bcw) (Entered: 03/14/1996)
03/25/1996	34	ORDER granting [22-1] motion for Summary Judgment ( signed by Chief Judge B. Avant Edenfield ); copies served. (dks) (Entered: 03/25/1996)
03/25/1996	35	JUDGMENT for Ricky Mikells against Michael Anthony Bright, case is dismissed with prejudice; copies served. (dks) (Entered: 03/25/1996)
03/25/1996		Case closed (dks) (Entered: 03/25/1996)
07/10/1998		Record transfered to the FRC. Group #021, Accession # 98-0111, Box # 36, Location #1-005-55-7-1(jgb) Modified on 9/18/2008 (mah). (Entered: 07/10/1998)