

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

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.  
2017 MAY 19 PM 4:23  
CLERK  
COURT OF GA.

DANTE G. FREDRICK, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
F. BARRY WILKES, Clerk and J. )  
WILLIAMS, Deputy Clerk, )  
 )  
Defendants. )  
 )

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CASE NO. CV416-310

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation. (Doc. 18.) In the Report and Recommendation, the Magistrate Judge recommends dismissing Plaintiff's case without prejudice as a sanction for intentionally misleading the Court. (Id. at 4.) The Magistrate Judge also recommends revoking Plaintiff's in forma pauperis status and instituting a special case management procedure for any future 42 U.S.C. § 1983 complaints Plaintiff may file. (Id. at 11-12.) Following this recommendation, Plaintiff filed a Notice of Voluntary Dismissal. (Doc. 19.)

The Court agrees with the Magistrate Judge that this case should be dismissed, Plaintiff's in forma pauperis status should be revoked, and a special case management procedure should be imposed. Plaintiff cannot use a voluntary dismissal to avoid this outcome as a litigant is not entitled to exploit Federal

Rule of Civil Procedure 41(a) merely to avoid an unfavorable decision in a Report and Recommendation. See Wilson v. Freeseemann, 2007 WL 2083827 (S.D. Ga. July 13, 2007). Accordingly and after careful review of the record, the Report and Recommendation is **ADOPTED** as the Court's opinion in this case. Plaintiff's 42 U.S.C. § 1983 complaint is **DISMISSED WITHOUT PREJUDICE**, Plaintiff's in forma pauperis status is **REVOKED**, and the Clerk of Court is **DIRECTED** to impose the restrictions recommended by the Magistrate Judge (Doc. 18 at 11-12) as to future filings by Plaintiff. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 19<sup>th</sup> day of May 2017.



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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA