


FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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

2012 SEP -4 AM 11:15

CLERK 
SO. DIST. OF GA.

WILLIE DAVIS,

Plaintiff,

v.

STATE OF GEORGIA; SMITH
STATE PRISON; GEORGIA
DEPARTMENT OF CORRECTIONS;
ANGELA HENNER; JOHN BROWN;
Mr. JOHNSON; DON JARRIEL;
ANDREW McFARLAND; and
JEFFREY COLEMAN,

Defendants.

CIVIL ACTION NO.: CV612-023

ORDER


After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections were filed. In his Objections, Plaintiff contends that his Complaint is a re-filing of his complaint in Case Number 509-CV-00273, which appears to have been filed in the District Court for the Middle District of Georgia. Plaintiff once again details events which allegedly occurred in March 2009. In an effort to establish that he is in imminent danger of serious physical injury, Plaintiff asserts that he fears he will be assaulted again. Plaintiff also asserts that he was attacked by several inmates on May 31, 2012.

The relevant inquiry under 28 U.S.C. § 1915(g) is whether the plaintiff was in imminent danger of serious physical injury *at the time he files his complaint in a district*

court. Medberry v. Butler, 185 F.3d 1189, 1193 (11th Cir. 1999). The events Plaintiff sets forth in his Complaint and in his Objections allegedly occurred in March 2009, which was well before he filed his Complaint in this Court, and on May 31, 2012, which was after he filed his Complaint in this Court on March 20, 2012.

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED**, without prejudice. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 4 day of Sept., 2012.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA