

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

ORLANDO CORTEZ SMITH,

Plaintiff,

v.

MARTY ALLEN; MR. ALLEN; and MR.
ODUM,

Defendants.

CIVIL ACTION NO.: 6:18-cv-69

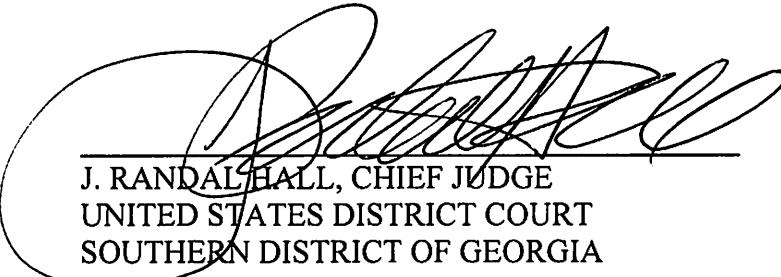
ORDER

Presently before the Court are Plaintiff's Objections to the Magistrate Judge's Report and Recommendation dated July 16, 2018, (doc. 3). In his Objections, Plaintiff attempts to explain away his failure to disclose his previously-filed causes of action. Plaintiff contends he did not understand the question relating to previous lawsuits contained on the form complaint, and that he had only forgotten to list one (1) previously-filed complaint from 1996. (Doc. 5, p. 1.) Additionally, Plaintiff asserts Defendants falsely stated he filed complaints in 2000 and 2007. (Id. at p. 2.)

Plaintiff's assertions overlook the plain language of the Complaint form he submitted to the Court, which requires a prisoner-litigant to disclose all lawsuits filed in federal or state court relating to the conditions of his imprisonment. (Doc. 3, p. 3 (citing Doc. 1, p. 2).) As the Magistrate Judge informed Plaintiff, he failed to answer "fully and truthfully[]" and misrepresented his litigation history. (Id. at p. 5.) The Court will not tolerate such lack of candor, and a litigant's alleged forgetfulness and attempt to cast blame on others cannot serve to excuse such lack of candor.

Thus, after an independent and *de novo* review of the entire record, the Court concurs with the Magistrate Judge's Report and Recommendation. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court and **OVERRULES** Plaintiff's Objections. The Court **DISMISSES** Plaintiff's Complaint based on his lack of candor and **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case. The Court **DENIES** Plaintiff leave to proceed *in forma pauperis* on appeal.

SO ORDERED, this 3rd day of August, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA