
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FREDERICK BANKS,

Plaintiff,

v.

MALISSA JACKSON, et al.,

Defendants.

**ORDER ADOPTING REPORT &
RECOMMENDATION**

Case No. 2:13-cv-00930-DN-EJF

District Judge David Nuffer

Magistrate Judge Evelyn J. Furse

The Report and Recommendation¹ issued by United States Magistrate Judge Evelyn J. Furse on April 29, 2015 recommends that Mr. Banks's Complaint be dismissed without prejudice as frivolous under the *in forma pauperis* statute, 28 U.S.C. § 1915(e)(2)(B)(i), and further recommends that filing restrictions be imposed against Mr. Banks, as outlined below.

- 1.** Mr. Banks may not proceed as a plaintiff in the United States District Court, District of Utah ("District of Utah") unless he is represented by a licensed attorney admitted to practice in the District of Utah or unless he first obtains permission to proceed *pro se*.
- 2.** To obtain permission to proceed *pro se*, he must take the following steps:
 - a.** File a petition with the clerk of the District of Utah requesting leave to file a *pro se* action, including the following information:
 - i.** His current mailing address;
 - ii.** A list of all lawsuits he filed previously in the District of Utah, including the name, number, and citation, if applicable, of each case, and the current status or disposition of the proceeding;
 - iii.** A list of all lawsuits he currently has pending in the federal court system, including the name, number, and citation, if applicable, of each case, and the current status of the proceeding.

¹ Report and Recommendation ("R&R"), [docket no. 9](#), entered April 29, 2015.

iv. A list apprising the District of Utah of all outstanding injunctions or orders limiting his access to the federal court system, including orders and injunctions requiring him to seek leave to file matters *pro se*, requiring him to be represented by an attorney, or limiting his ability to proceed *in forma pauperis*, and the name, number, and citation, if applicable, of all such orders or injunctions; and

v. A copy of this order.

b. File with the clerk of the District of Utah a notarized affidavit, in proper legal form, which recites the issues he seeks to present, including a short discussion of the legal basis for each issue. The affidavit also must certify, to the best of his knowledge, that the legal arguments being raised are not frivolous or made in bad faith, that they are warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, that the action is not brought for any improper purpose, and that he will comply with all local rules of the District of Utah.

c. Pay the appropriate filing fee.

d. The clerk of the District of Utah shall forward these documents to a magistrate judge for review. The magistrate judge will review the documents to determine whether the action has merit and should be filed, or whether it lacks merit, duplicates prior filings, or is frivolous.

e. If the magistrate judge determines the action lacks merit, duplicates prior filings, or is frivolous, the magistrate judge will forward the documents to the Chief District Judge for further review.

f. If, on review, the Chief District Judge determines the action has merit, an order shall be entered indicating the action shall proceed in accordance with the Federal Rules of Civil Procedure and local rules of the District of Utah. If the Chief District Judge determines the action lacks merit, duplicates prior filings, or is frivolous, the action will not be filed and the filing fee will be returned.²

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#).

As of the date of this Order, no objection has been filed to the Report and Recommendation.

² R&R at 7-9.

De novo review of all materials, including the record that was before the magistrate judge and the reasoning set forth in the Report and Recommendation, has been completed. The analysis and conclusion of the magistrate judge are correct and the Report and Recommendation will be adopted in its entirety.

ORDER

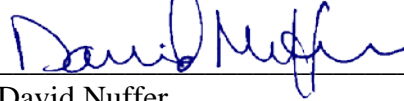
IT IS HEREBY ORDERED that:

1. The Report and Recommendation³ is ADOPTED;
2. The above-captioned matter is DISMISSED without prejudice; and
3. Filing restrictions imposed as outlined above.

The Clerk shall close the case.

Dated May 19, 2015.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

³ Report and Recommendation, [docket no. 9](#), entered April 29, 2015.