

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOHNATHAN LEE X SMITH,

Plaintiff,

v.

Civil Action No. **3:11CV781**

UNITED STATES CONGRESS, et al.,

Defendants.

MEMORANDUM OPINION

Over the years, Johnathan Lee X. Smith, a Virginia prisoner, has inundated the Court with frivolous and repetitive cases. In order to monitor and curb Mr. Smith's abusive litigation, the Court subjected all of Mr. Smith's litigation to a pre-filing injunction. *See In re Johnathan Lee X. Smith*, 3:96mc06 (E.D. Va. Mar. 13, 1996). A copy of the Memorandum Opinion and Order setting forth the pre-filing injunction is attached hereto. The injunction provides that "[a]bsent a bona fide emergency, Mr. Smith may not maintain more than one action at a time in this court." *Id.* at ¶ 1. The injunction further provides that Mr. Smith must attach to each complaint a separate document entitled "motion for leave to file and certificate of compliance." *Id.* at ¶ 2. In the motion for leave to file and certificate of compliance, Mr. Smith is required, *inter alia*, to:

- ii) identify by style, date filed and current status, all cases filed by him or in which he has been a plaintiff within the one year period preceding the filing of the certificate as well as the court in which the actions were filed;
- iii) certify that the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court and set forth why each claim could not have been raised in one of his previous actions;

Id. The Court warned Mr. Smith that failure to comply strictly with the above requirements would result in denial of the motion for leave to file. *Id.* at ¶ 3.

Mr. Smith currently has another action pending before the Court, *Smith v. Johnson*, No. 3:09cv653 (E.D. Va.). Mr. Smith has not attached to his new complaint a motion for leave to file and certificate of compliance. Accordingly, the present action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: *12-23-11*
Richmond, Virginia

<p><i>/s/</i></p> <hr/> <p>James R. Spencer United States District Judge</p>
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