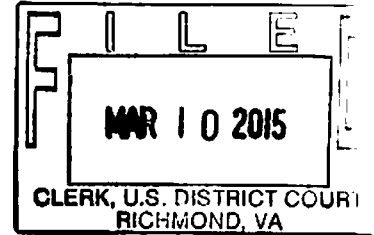


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JOHNATHAN LEE X SMITH,

Plaintiff,

v.

Civil Action No. 3:15CV134

A.D. ROBINSON, et al.,

Defendants.

MEMORANDUM OPINION

Johnathan Lee X. Smith ("Mr. Smith"), a Virginia inmate, has submitted this civil action. The matter is before the Court on Mr. Smith's compliance with the Court's pre-filing injunction.

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 (internal quotation marks omitted). 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;
- ...
- iv) set forth in separate numbered subparagraphs for each of the defendants the facts that plaintiff believes entitle him to relief against the defendant and the basis for his belief that such facts exist. Each subparagraphs,

exhibits or attachments, establish that the claims against the named defendants are being made in good faith, have a tenable basis in fact and are not frivolous;

- v) contain plaintiff's statement under penalty of perjury that the statements made in the application are true.

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.

On March 6, 2015 the Court received Mr. Smith's Complaint. Mr. Smith's Motion for Leave to File and Certify Certificate of Compliance fails to comply with the directives in the pre-filing injunction. Mr. Smith failed to "identify by style, dated 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." *Id.* ¶ 2.ii. Mr. Smith also failed to set forth the defendants, facts, and basis for his belief that he is entitled to relief. *Id.* ¶ 2.iii. Moreover, Mr. Smith failed to swear to the contents of his certificate under penalty of perjury. *Id.* ¶ 2.v. Thus, Mr. Smith has failed to comply with the directives in the pre-filing injunction. Accordingly, the Court DIRECTS the Clerk to FILE this action for the convenience of the Court. The action will be DISMISSED WITHOUT PREJUDICE.

The Court warns Mr. Smith that his future filing must comply with the pre-filing injunction. Furthermore, any complaint must comply with the joinder requirement set forth in Federal Rule of Civil Procedure 20(a)(2).

The Court notes that Mr. Smith alleges that he is experiencing problems with his cellmate resulting in at least one altercation. As a courtesy to Mr. Smith, the Court DIRECTS that the Clerk mail a copy of this Memorandum Opinion and Order and Mr. Smith's Complaint

