

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GREGORY S. GOODYEAR,

Plaintiff,

v.

Case No: 2:17-cv-686-FtM-38CM

JOHN DAILY, DEPARTMENT OF  
JUSTICE and JEFF SESSIONS,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on initial review of Plaintiff Gregory Scott Goodyear's Civil Rights Complaint ([Doc. #1](#)) filed on December 11, 2017. Plaintiff who is currently incarcerated in the Lee County Stockade, Fort Myers, Florida alleges the Local United States Attorney's Office, Department of Justice, Undersheriff Carmine Marceno, Fort Myers Police Chief Derek Diggs, and Attorney General Jeff Sessions are in possession of a jump drive that shows U.S. Attorney John Daily committed crimes. Plaintiff alleges that local law enforcement tried to murder him because of knowledge he possesses about crimes that were allegedly committed by Sheriff's deputies and U.S.

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<sup>1</sup> Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

Attorney John Daily among others. Plaintiff's Complaint is mostly a jumble of unrelated allegations regarding local law enforcement.

The Prison Litigation Reform Act (hereinafter PLRA), which amended [28 U.S.C. § 1915](#), contains the following subsection:

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. § 1915\(g\)](#).

Section 1915, known as the "Three Strikes Rule" only permits a prisoner to file "three meritless suits at the reduced rate." [Dupree v. Palmer](#), 284 F.3d 1234, 1236 (11th Cir. 2002). Additionally, the Court may consider prisoner actions dismissed before, as well as after, the enactment of the PLRA. [Rivera v. Allin](#), 144 F.3d 719, 730 (11th Cir.1998).

The Court takes judicial notice that Plaintiff filed the following civil rights actions in this Court that were dismissed on the grounds that they were frivolous, malicious or failed to state a claim upon which relief may be granted: (1) 2:07-cv-192, (2) 2:07-cv-130, (3) 2:07-cv-276.<sup>2</sup> Because Plaintiff has had three or more qualifying dismissals and it does not appear that he is imminent danger of serious physical injury, this action will be dismissed without prejudice. If Plaintiff wishes to prosecute this action, he is required to

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<sup>2</sup> Due to Plaintiff's three strike status, the following cases filed by Plaintiff have previously been dismissed by this Court: 2:07-cv-270; 2:07-cv-275; and 2:07-cv-277; 2:07-CV-305; 2:07-CV-304; 2:07-CV-306; 2:07-CV-316. See [Goodyear v. State of Florida](#), No. 207-CV-728-FTM-34SPC, 2007 WL 4287549, at \*1 (M.D. Fla. Dec. 4, 2007). **Error! Main Document Only.** The Court further notes that the U.S. Party/Case Index reflects that to date Plaintiff has filed over 85 cases in federal court. See <http://pacer.uspci.uscourts.gov>.

file a new civil rights complaint form and pay the \$350.00 filing fee in its entirety at the time of filing. Plaintiff may not use this case number for future filings.

Accordingly, it is now

**ORDERED:**

(1) Plaintiff Gregory Scott Goodyear's Complaint ([Doc. #1](#)) is **DISMISSED without prejudice.**

(2) The Clerk of Court is directed to enter judgment accordingly, terminate any pending motions, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 3rd day of January, 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies:  
Gregory Scott Goodyear  
SA: FTMP-2