

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KEITH HENDERSON²⁵,

Plaintiff,

v.

Case No: 2:18-cv-6-FtM-38CM

FLORIDA STATE HOSPITAL, SEAN
CHAMBERLIN, VERN SCARLET,
IRENA POPE, KRISTI WAGNER,
BRIAN ARNOLD, KIMERLY COOK,
LAUREN UNKNOWN, BRITNEY
BARNES, VICKIE BAXTER, WILL
SMITH, LARRY LONG,
FOURTEENTH JUDICIAL CIRCUIT
MARIANNA FL, KIMERLY D
JEWELL, PATTERSON JUDGE,
JUDGE GAY, MERCER JUDGE,
MICHAEL MILLER, LOUIS
ROBERTS, MARK FOREMAN,
JASON MCCOY, CHIEF WHITE,
JAMIE JETER, BETSY ROXBERG,
SERGEANT WATFORD, HAYES
BAGGETT, LT GARVIN, CHARLES
MOOREHEAD, SERGEANT TORO,
CARL JONES, KATHY P., TIFFANY
RUSSELL, ORANGE COUNTY
CLERK OF THE COURT, COUNTY
COURTS ORLANDO FL, WHEELER
STATE PRISON, BALDWIN STATE
PRISON, GEORGIA STATE
PRISON, HAYS STATE PRISON,
JOHNSON STATE PRISON,
TIMOTHY JONES, DEBORAH S.
BLECHMAN, JERRY DIMINS,
ORANGE COUNTY CORRECTIONS
ADMINISTRATIONS SECURITY,
OFC WRIGHT, NICHOLAS
THOMAS, CLERK OF THE CIRCUIT
COURT GADSDON COUNTY, W.
LOUIS SANDS, MARVIN S.
ARRINGTON, SR. , ANN
MONTGOMERY, US DISTRICT

ALBANY DIV, US DISTRICT COURT
MACON, US DISTRICT PANAMA
CITY DIVISION, US DISTRICT
MINNESOTA DIVISION, US
DISTRICT BANGOR MAINE, US
DISTRICT PORTLAND MAINE, US
DISTRICT ALABAMA, US DISTRICT
MISSISSIPPI, US DISTRICT IDAHO, US
DISTRICT FT MYERS FL, US
DISTRICT TAMPA, US DISTRICT
ORLANDO, US DISTRICT SAN
FRANCISCO DIV, US DISTRICT
BOSTON DIV, JOSE MORALES,
SHEILA ARU, ROBERT TOOLE and
LARRY BUTTS,

Defendants.

OPINION AND ORDER¹

This matter comes before the Court on initial review of the Plaintiff Keith Henderson's Civil Rights Complaint ([Doc. #1](#)) filed on January 5, 2018. Plaintiff is currently incarcerated in Jackson County Correctional Institute in Marianna, Florida. Plaintiff's Complaint merely lists certain rules and regulations related to the appeals process in Florida's state courts. The nature of Plaintiff's Complaint cannot be discerned and his grounds for relief are unclear.

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

¹ 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.

(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 \(11th Cir.1998\)](#).

Courts in Florida have found that Plaintiff has three strikes under § 1915(g). See *Henderson v. Covington*, 3:14-cv-1356-J-32JBT; *Henderson v. Quinn*, 5:14-cv-175 RS-GRJ (N.D. Fla. 2014). Because Plaintiff has had three or more qualifying dismissals and it does not appear that he is in imminent danger of serious physical injury, this action will be dismissed without prejudice. If Plaintiff wishes to prosecute this action, he is required to file a new civil rights complaint form and pay the \$350.00 filing fee.

Accordingly, it is now

ORDERED:

- (1) Plaintiff Keith Henderson's Civil Rights 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 12th day of January, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:
Keith Henderson
SA: FTMP-2