

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JEFFREY LAGRANDEUR,

Plaintiff,

v.

Case No.: 2:24-cv-333-SPC-KCD

ANTHONY NAJJAR, N. OLVERA,
J.S. ROBERTS and MICHAEL
HUGHLEY,

Defendants.

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OPINION AND ORDER

Before the Court is Defendants' Motion to Revoke Plaintiff's *In Forma Pauperis* Status (Doc. 31). The motion alerted the Court to the fact that Plaintiff Jeffrey Lagrandeur misrepresented his litigation history in his Complaint. Magistrate Judge Kyle Dudek reviewed Lagrandeur's litigation history and ordered Lagrandeur to show cause why this action should not be dismissed for abuse of the judicial process. (*See* Doc. 36). In response, Lagrandeur acknowledged he made "material misrepresentations" in his complaint and attempted to correct them by listing the cases he initially failed to disclose, including cases dismissed for failure to prosecute and abuse of the judicial process. (Doc. 38 at 3). But he does not adequately explain why he misrepresented his litigation history.


The Court finds that Lagrandeur abused the judicial process by misrepresenting his litigation history and thereby avoiding potential dismissal under the three-strikes rule set out in 28 U.S.C. § 1915(g). *See Allen v. Clark*, 266 F. App'x 815, 817 (11th Cir 2008) (dismissals for failure to prosecute and abuse of the judicial process are considered strikes). The Eleventh Circuit has repeatedly found dismissal appropriate when a prisoner misrepresents his litigation history. *See Redmon v. Lake Cnty. Sheriff's Off.*, 414 F. App'x 221, 226 (11th Cir. 2011) (prisoner's failure to disclose a prior lawsuit was an abuse of the judicial process); *Shelton v. Rohrs*, 406 F. App'x 340, 341 (11th Cir. 2010) (same); and *Hood v. Tompkins*, 197 F. App'x 818, 819 (11th Cir. 2006) (same). The Court will thus dismiss this action without prejudice. Lagrandeur may file a new action, but he must either pay the filing fee or establish an exception to the three-strike rule.

Accordingly, it is now

ORDERED:

Defendants' Motion to Revoke Plaintiff's *In Forma Pauperis* Status (Doc. 31) is **GRANTED**. This action is **DISMISSED without prejudice** for abuse of the judicial process. The Clerk is **DIRECTED** to terminate any pending motions and deadlines, enter judgment, and close this case.

DONE and **ORDERED** in Fort Myers, Florida on October 30, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record