

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA**

Gentle Thomas, Jr. v. Adam Madison

Thomas · No. 26-20071-CIV-SANCHEZ · Decided January 14, 2026

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 26-20071-CIV-SANCHEZ GENTLE THOMAS, JR., Plaintiff, v. ADAM MADISON, Defendant.

_____/ REPORT AND RECOMMENDATION This matter came before the Court on Plaintiff's motion for leave to proceed in forma pauperis, that is, his Prisoner Request to Proceed in District Court without Prepaying the Full Filing Fee.

ECF No. 3. For the reasons more fully discussed in the Order entered contemporaneously with this Report and Recommendation, see ECF No. 4, the Plaintiff's motion to proceed in forma pauperis was denied due to Plaintiff's non-compliance with 28 U.S.C. § 1915(g). Specifically, Plaintiff ran afoul of § 1915(g)'s three-strikes rule because he had previously filed at least three civil cases while incarcerated that were dismissed for failure to state a claim upon which relief may be granted.

See ECF No. 4 at 2. In such circumstances, the Eleventh Circuit has explained that: [T]he proper procedure is for the district court to dismiss the complaint without prejudice when it denies the prisoner leave to proceed in forma pauperis pursuant to the three strikes provision of § 1915(g).

The prisoner cannot simply pay the filing fee after being denied in forma pauperis status. He must pay the filing fee at the time he initiates the suit. *Dupree v. Palmer*, 284 F.3d 1234, 1236 (11th Cir. 2002). Thus, because this case must be dismissed at its inception and because the undersigned lacks jurisdiction to enter a dispositive order dismissing Plaintiff's complaint, this case was reassigned to a district judge, and the undersigned is contemporaneously submitting this Report and Recommendation recommending that the Plaintiff's complaint be dismissed without prejudice.

Accordingly, the undersigned RESPECTFULLY RECOMMENDS that Plaintiff's complaint be DISMISSED WITHOUT PREJUDICE and that this case be CLOSED. Within fourteen (14) days from the date of receipt of this Report and Recommendation, the parties shall serve and file written objections, if any, to this Report and Recommendation with the assigned United States District Judge.

Failing to file timely objections will bar a de novo determination by the District Judge of any issue addressed in the Report and Recommendation, will constitute a waiver of a party's "right to

challenge on appeal the district court's order based on unobjected-to factual and legal conclusions," and will only allow appellate review of the district court order "for plain error if necessary in the interests of justice." 11th Cir.

R. 3-1; 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989); see also *Harrigan v. Metro-Dade Police Dept Station #4*, 977 F.3d 1185, 1191-92 (11th Cir. 2020). RESPECTFULLY RECOMMENDED in Chambers in Miami, Florida, this 14th day of January 2026. Ath. Kt def — UNITED STATES MAGISTRATE JUDGE CC: Gentle Thomas, Jr., pro se (Via U.S. Mail)