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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Louis Thomas Cervantes,)	No. CV04-1004-PHX-SRB
Plaintiff,)	ORDER
vs.)	
Richard Pratt, et al.,)	
Defendants.)	

Pending before the Court is Defendants' Request for Attorneys' Fees to which Plaintiff responded in opposition. The Magistrate Judge issued his Report and Recommendation recommending that the Motion for Attorneys' Fees be granted and that Defendants be awarded their attorneys' fees in the amount of \$55,294. Plaintiff filed his objections on September 22, 2008 requesting that the Court decline to grant attorneys' fees.

The basis of Plaintiff's objection is primarily his re-argument of the merits of his case and his claim that he was unable to properly support the merits of his case because of the actions of Defendants is allegedly improperly resisting discovery. Plaintiff fails to address the substantive matters addressed in the Report and Recommendation concerning the standards applied by the Magistrate Judge in connection with an award of attorneys' fees against an unsuccessful pro se litigant in civil rights cases.

1 In light of the numerous unsuccessful claims this Plaintiff has filed in both federal
2 and state court and the numerous frivolous pleadings filed even after this Court advised
3 Plaintiff that he had “filed numerous pleadings in this case that bear little if any relevance to
4 the limited issues before the Court and which will cause unnecessary delay or needless
5 increase in the cost of litigation to the Defendants,” the Court agrees with the Magistrate
6 Judge that this case, considered in the context of ten other non-meritorious civil cases filed
7 by this Plaintiff and the numerous frivolous motions and appeals filed in this case, more than
8 justifies an award of attorneys’ fees to Defendants. This case provides those exceptional
9 circumstances justifying such an award.

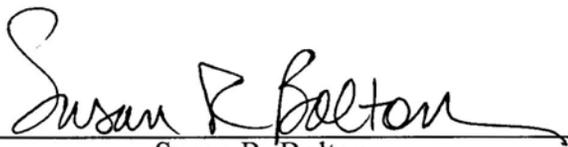
10 IT IS ORDERED overruling Plaintiff’s objections to the Magistrate Judge’s Report
11 and Recommendation.

12 IT IS FURTHER ORDERED adopting the Report and Recommendation of the
13 Magistrate Judge as the order of this Court.

14 IT IS FURTHER ORDERED granting Defendants’ attorneys’ fees in the amount of
15 \$55,294. (Doc. 389).

16 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.
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18 DATED this 6th day of November, 2008.

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22 Susan R. Bolton
23 United States District Judge
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