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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Dale Frank Maisano,  
Plaintiff,

vs.

Chris Vasquez,  
Defendants.

No. CV-06-2241-PHX-SMM (VAM)

**ORDER**

Plaintiff Dale Frank Maisano, confined in the Pinal County Jail, has filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. #1) and an uncertified Application to Proceed *In Forma Pauperis*.

**I. Failure to Comply with "Abusive Litigant" Pre-Filing Order**

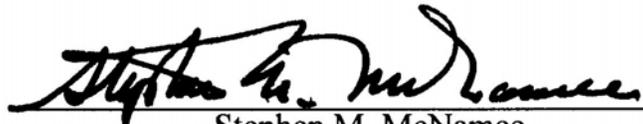
Plaintiff has so often and egregiously abused the legal process in the past that on August 11, 1992, the Court entered an Order and Restraining Order enjoining him from filing any civil action in this or any other federal court without first obtaining leave of the court. See Order of August 11, 1992, Maisano v. Lewis, CV 92-1026-PHX-SMM (MS) (D.Ariz.). To obtain leave to file, Mr. Maisano must file an "Application Pursuant to Court Order Seeking Leave to File" accompanied by an affidavit certifying: (1) that the claim or claims presented are new and have never been raised and disposed of on the merits by any federal court; and (2) that to the best of his knowledge the claim or claims presented are not frivolous or taken in bad faith. Additionally, any application for leave to file must be accompanied by a copy

1 of the August 11, 1992 Order and Restraining Order in Maisano v. Lewis, CV 92-1026-PHX-  
2 SMM (MS).<sup>1</sup>

3 As he has done on numerous occasions in the past, Plaintiff has in this case ignored the  
4 Court-mandated pre-filing requirements. Accordingly, this action will be dismissed for  
5 Plaintiff's failure to comply with the Court's prior Order and Restraining Order.

6 **IT IS ORDERED** that the Complaint (Doc. #1) and this action are **dismissed without**  
7 **prejudice** for Plaintiff's failure to comply with the pre-filing requirements set out in the  
8 Court's Order and Restraining Order of August 11, 1992, in Maisano v. Lewis, CV 92-1026-  
9 PHX-SMM (MS), and the Clerk of Court **must enter** judgment and **close** this file  
10 accordingly.

11 DATED this 29<sup>th</sup> day of September, 2006.

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16 Stephen M. McNamee  
17 United States District Judge  
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28 <sup>1</sup>The Court notes that Plaintiff appealed the final judgment in CV 92-1026-PHX-SMM (MS)  
to the Ninth Circuit. The Court of Appeals dismissed the appeal on March 12, 1993.