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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ORDER

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With the undersigned's consent, United States District Court Chief Judge Raner C. Collins has directed that the above-captioned cases be reassigned to the undersigned pursuant to Local Rule of Civil Procedure 42.1(e)(3).

Plaintiff Dale Maisano, who is confined in the Arizona State Prison Complex-Lewis in Buckeye, Arizona, has so often and egregiously abused the legal process in the past that on August 11, 1992, Senior United States District Judge Stephen M. McNamee 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* August 11, 1992 Order and Restraining Order in *Maisano v. Lewis*, CV 92-1026-PHX-SMM (MS).

Pursuant to the Restraining Order, to obtain leave to file, Plaintiff must file an "Application Pursuant to Court Order Seeking Leave to File" accompanied by an affidavit certifying: (1) "that the claim or claims he wishes to present 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 are not frivolous or taken in bad faith." Additionally, any application seeking leave to file must be accompanied by a copy of the August 11, 1992 Order and Restraining Order in *Maisano v. Lewis*, CV 92-1026-PHX-SMM (MS).[1] In addition, Plaintiff "must attach to future complaints a list of all cases previously filed involving similar or related causes of action." "**Failure to comply strictly with the terms of the [Restraining Order] will be sufficient ground to deny leave to file.**" (Emphasis added.)

Plaintiff lodged a civil rights Complaint (Doc. 1)[2] in each of the above-captioned cases. Plaintiff did not file an Application Pursuant to Court Order Seeking Leave to

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[1] Plaintiff appealed the final judgment in CV 92-1026-PHX-SMM (MS) to the Ninth Circuit Court of Appeals. On March 17, 1993, the Court lodged a certified copy of the Ninth Circuit's mandate dismissing the appeal.

[2] In light of Plaintiff's history of vexatious litigation and the frequency with which he lodges complaints, the Clerk of Court has been directed to docket only the name of the

File, a copy of the August 11, 1992 Order and Restraining Order, or a list of his previously filed cases involving similar or related causes of action. Plaintiff, therefore, has failed to comply strictly with the Court-mandated pre-filing requirements. Thus, these actions will be dismissed without prejudice.

IT IS ORDERED:

(1) The Clerk of Court must **reassign** these cases to the undersigned pursuant to Local Rule of Civil Procedure 42.1(e)(3).

(2) These cases are **dismissed without prejudice**. The Clerk of Court must file this Order in **each case,** enter judgment accordingly, and close these cases.

(3) **The Clerk of Court must accept no further documents for filing in these cases, other than those in furtherance of an appeal.**

DATED this 8th day of April, 2014.

Robert C. Broomfield
Senior United States District Judge

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first named Defendant in each case because entering onto the docket all of the Defendants named in each lodged Complaint needlessly wastes the Court's limited resources. The Clerk of Court has made a notation on the docket that the list of defendants on the docket sheet is only a partial list. Similarly, the Clerk of Court has also been directed to cease sending Plaintiff a Notice of Assignment in each new case he files because Plaintiff's new lawsuits filed in the Tucson Division of the District of Arizona are initially directly assigned to Chief Judge Collins, *see* Local Rule of Civil Procedure 3.8(e); given his litigation history, Plaintiff is well aware of the warnings contained in the Notice of Assignment; and sending a Notice of Assignment in each of Plaintiff's new cases wastes the Court's limited resources.