

1 WO
2
3
4
5

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

8
9 **ORDER**

10	Maisano v. Ryan, et al.	No.	14-01761-TUC-RCB
11	Maisano v. Vega, et al.	No.	14-01762-TUC-RCB
12	Maisano v. Hall, et al.	No.	14-01763-TUC-RCB
13	Maisano v. Deebom, et al.	No.	14-01764-TUC-RCB
14	Maisano v. Hoyt, et al.	No.	14-01765-TUC-RCB
15	Maisano v. Bonorand, et al.	No.	14-01766-TUC-RCB
16	Maisano v. Modrzejewski, et al.	No.	14-01774-TUC-RCB
17	Maisano v. Modrzejewski, et al.	No.	14-01775-TUC-RCB
18	Maisano v. Forester, et al.	No.	14-01776-TUC-RCB
19	Maisano v. Monson, et al.	No.	14-01777-TUC-RCB
20	Maisano v. Ryan, et al.	No.	14-01778-TUC-RCB
21	Maisano v. State of Arizona, et al.	No.	14-01779-TUC-RCB
22	Maisano v. Zevallos, et al.	No.	14-01780-TUC-RCB
23	Maisano v. Clark, et al.	No.	14-01781-TUC-RCB
24	Maisano v. Corizon Health Inc., et al.	No.	14-01782-TUC-RCB
25	Maisano v. Corizon Health Inc.	No.	14-01783-TUC-RCB
26	Maisano v. Corizon Health Inc., et al.	No.	14-01784-TUC-RCB
27	Maisano v. Modrzejewski, et al.	No.	14-01785-TUC-RCB
28			

1	Maisano v. Trinity Grp./Canteen Food Servs., et al.	No.	14-01786-TUC-RCB
2	Maisano v. Hoyt, et al.	No.	14-01787-TUC-RCB
3	Maisano v. Vega, et al.	No.	14-01788-TUC-RCB
4	Maisano v. Deebom, et al.	No.	14-01798-TUC-RCB
5	Maisano v. State of Arizona, et al.	No.	14-01799-TUC-RCB
6	Maisano v. Ryan, et al.	No.	14-01800-TUC-RCB
7	Maisano v. Canteen/Trinity Corr. Food Servs. Inc., et al.	No.	14-01801-TUC-RCB
8	Maisano v. Trinity Grp./Canteen Food Servs., et al.	No.	14-01802-TUC-RCB
9	Maisano v. Modrzejewski, et al.	No.	14-01803-TUC-RCB
10	Maisano v. Modrzejewski, et al.	No.	14-01804-TUC-RCB
11	Maisano v. Corizon Health Inc., et al.	No.	14-01805-TUC-RCB
12	Maisano v. Hoyt, et al.	No.	14-01806-TUC-RCB
13	Maisano v. Modrzejewski, et al.	No.	14-01807-TUC-RCB
14	Maisano v. Ryan, et al.	No.	14-01808-TUC-RCB
15	Maisano v. Corizon Health Inc.	No.	14-01809-TUC-RCB
16	Maisano v. Corizon Health Inc., et al.	No.	14-01810-TUC-RCB
17	Maisano v. Trinity Grp./Canteen Food Servs., et al.	No.	14-01811-TUC-RCB
18	Maisano v. State of Arizona, et al.	No.	14-01812-TUC-RCB
19	Maisano v. Clark, et al.	No.	14-01813-TUC-RCB
20	Maisano v. Canteen/Trinity Corr. Food Servs. Inc., et al.	No.	14-01814-TUC-RCB
21	Maisano v. Corizon Health Inc., et al.	No.	14-01815-TUC-RCB
22	Maisano v. Modrzejewski, et al.	No.	14-01816-TUC-RCB
23	Maisano v. Corizon Health Inc.	No.	14-01817-TUC-RCB
24	Maisano v. Corizon Health Inc., et al.	No.	14-01818-TUC-RCB
25			
26			
27			
28			

1	Maisano v. Corizon Health Inc., et al.	No.	14-01819-TUC-RCB
2	Maisano v. Vega, et al.	No.	14-01820-TUC-RCB
3	Maisano v. Canteen/Trinity Corr. Food Servs. Inc., et al.	No.	14-01821-TUC-RCB
4	Maisano v. State of Arizona, et al.	No.	14-01822-TUC-RCB
5	Maisano v. Trinity Grp./Canteen Food Servs., et al.	No.	14-01823-TUC-RCB
6	Maisano v. Corizon Health Inc., et al.	No.	14-01824-TUC-RCB
7	Maisano v. Corizon Health Inc.	No.	14-01825-TUC-RCB
8	Maisano v. Ryan, et al.	No.	14-01826-TUC-RCB
9	Maisano v. Deebom, et al.	No.	14-01827-TUC-RCB
10	Maisano v. Modrzejewski, et al.	No.	14-01828-TUC-RCB
11	Maisano v. Corizon Health Inc., et al.	No.	14-01829-TUC-RCB
12	Maisano v. Corizon Health Inc., et al.	No.	14-01830-TUC-RCB
13	Maisano v. Corizon Health Inc., et al.	No.	14-01831-TUC-RCB
14	Maisano v. Modrzejewski, et al.	No.	14-01832-TUC-RCB
15	Maisano v. Modrzejewski, et al.	No.	14-01833-TUC-RCB
16	Maisano v. Corizon Health Inc., et al.	No.	14-01834-TUC-RCB
17	Maisano v. Corizon Health Inc., et al.	No.	14-01835-TUC-RCB
18	Maisano v. Corizon Health Inc., et al.	No.	14-01836-TUC-RCB
19	Maisano v. Corizon Health Inc., et al.	No.	14-01837-TUC-RCB
20	Maisano v. Corizon Health Inc.	No.	14-01838-TUC-RCB
21	Maisano v. Corizon Health Inc.	No.	14-01839-TUC-RCB
22	Maisano v. Corizon Health Inc.	No.	14-01840-TUC-RCB
23	Maisano v. Corizon Health Inc., et al.	No.	14-01841-TUC-RCB
24	Maisano v. State of Arizona, et al.	No.	14-01842-TUC-RCB
25	Maisano v. Trinity Grp./Canteen Food Servs., et al.	No.	14-01843-TUC-RCB
26	Maisano v. Hoyt, et al.	No.	14-01844-TUC-RCB
27			
28			

1	Maisano v. Hall, et al.	No.	14-01845-TUC-RCB
2	Maisano v. Ryan, et al.	No.	14-01846-TUC-RCB
3	Maisano v. Corizon Health Inc.	No.	14-01847-TUC-RCB
4	Maisano v. Corizon Health Inc., et al.	No.	14-01848-TUC-RCB
5	Maisano v. Corizon Health Inc., et al.	No.	14-01849-TUC-RCB
6	Maisano v. Corizon Health Inc., et al.	No.	14-01850-TUC-RCB
7	Maisano v. Clark, et al.	No.	14-01851-TUC-RCB
8	Maisano v. Canteen/Trinity Corr. Food Servs. Inc., et al.	No.	14-01852-TUC-RCB
9	Maisano v. State of Arizona, et al.	No.	14-01853-TUC-RCB
10	Maisano v. Trinity Grp./Canteen Food Servs., et al.	No.	14-01854-TUC-RCB
11	Maisano v. Ryan, et al.	No.	14-01855-TUC-RCB
12	Maisano v. Hoyt, et al.	No.	14-01856-TUC-RCB
13	Maisano v. Modrzejewski, et al.	No.	14-01857-TUC-RCB
14	Maisano v. Modrzejewski, et al.	No.	14-01858-TUC-RCB
15	Maisano v. Modrzejewski, et al.	No.	14-01859-TUC-RCB
16	Maisano v. Modrzejewski, et al.	No.	14-01860-TUC-RCB

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

21 Plaintiff Dale Maisano, who is confined in the Arizona State Prison Complex-
22 Lewis in Buckeye, Arizona, has so often and egregiously abused the legal process in the
23 past that on August 11, 1992, Senior United States District Judge Stephen M. McNamee
24 entered an Order and Restraining Order enjoining him from filing any civil action in this
25 or any other federal court without first obtaining leave of the court. *See* August 11, 1992
26 Order and Restraining Order in *Maisano v. Lewis*, CV 92-1026-PHX-SMM (MS).

27 Pursuant to the Restraining Order, to obtain leave to file, Plaintiff must file an
28 “Application Pursuant to Court Order Seeking Leave to File” accompanied by an

1 affidavit certifying: (1) “that the claim or claims he wishes to present are new and have
2 never been raised and disposed of on the merits by any federal court”; and (2) “that to the
3 best of his knowledge the claim or claims are not frivolous or taken in bad faith.”
4 Additionally, any application seeking leave to file must be accompanied by a copy of the
5 August 11, 1992 Order and Restraining Order in *Maisano v. Lewis*, CV 92-1026-PHX-
6 SMM (MS).¹ In addition, Plaintiff “must attach to future complaints a list of all cases
7 previously filed involving similar or related causes of action.” **“Failure to comply**
8 **strictly with the terms of the [Restraining Order] will be sufficient ground to deny**
9 **leave to file.”** (Emphasis added.)

10 Plaintiff lodged a civil rights Complaint (Doc. 1)² in each of the above-captioned
11 cases. Plaintiff did not file an Application Pursuant to Court Order Seeking Leave to
12 File, a copy of the August 11, 1992 Order and Restraining Order, or a list of his
13 previously filed cases involving similar or related causes of action. Plaintiff, therefore,
14 has failed to comply strictly with the Court-mandated pre-filing requirements. Thus,
15 these actions will be dismissed without prejudice.

16 **IT IS ORDERED:**

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

19 (2) These cases are **dismissed without prejudice**. The Clerk of Court must

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

23 ² In light of Plaintiff’s history of vexatious litigation and the frequency with which
24 he lodges complaints, the Clerk of Court has been directed to docket only the name of the
25 first named Defendant in each case because entering onto the docket all of the Defendants
26 named in each lodged Complaint needlessly wastes the Court’s limited resources. The
27 Clerk of Court has made a notation on the docket that the list of defendants on the docket
28 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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