

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00269-BNB

MIKEAL GLENN STINE,

Petitioner,

v.

DAVID BERKEBILE, Warden, ADX,

Despondent.

DENIAL OF PETITION

Petitioner, Mikeal Glenn Stine, is in the custody of the United States Bureau of Prisons (BOP) and currently is incarcerated at ADX Florence. Mr. Stine, acting *pro se*, has filed the following: (1) "Petition/Request to File a Pro-Se Complaint/Pursuant to Injunction *Stine v. Allred et al.* 07-cv-1839-WYD-KLM"; (2) A copy of the Magistrate's Recommendation in Case No. 07-cv-01839-WYD-KLM; (3) Complete History of Lawsuits Mikeal Glenn Stine has been a Party Within Federal and State Courts; (4) Complete List of all State and Federal Cases in Which Judgment Against Mikeal Stine; (5) Declaration of Mikeal Glenn Stine; and (6) a "Verified Emergency Petition for Writ of Mandamus."

Mr. Stine will be denied leave to proceed with this action for the following reasons.

The information Mr. Stine is required to state in the Petition Pursuant to Court Order is very specific. The Petition is to include a statement advising the Court if any defendant to the lawsuit was a party, or any way involved in, any prior lawsuit that Mr.

Stine has filed and if so in what capacity. Mr. Stine is to list separately all lawsuits he has filed in any federal or state court in which he was a party, and include the following: (1) the name and citation of the case; (2) the jurisdiction; (3) his involvement in each case; (4) the status of the case; and (5) the disposition of the case.

Mr. Stine also is to list (1) all federal and state cases in which a judgment was rendered against him and (2) all federal and state cases in which judgment was entered in his favor, if any. In each list, he is to include the citation of each case, the amount of the judgment, and if and why any judgment remains outstanding. Finally, Mr. Stine is required to file his complaint or petition on a Court-approved form.

The Court has reviewed the documents Mr. Stine has filed. He has not complied with the requirements of his filing restrictions under *Stine v. Lappin, et al.*, No. 07-cv-01839-WYD-KLM, ECF No. 344 at 30-32 (D. Colo. Sept. 1, 2009). Mr. Stine fails to state the capacity of Defendant Berkebile in each prior suit that he was named. The action also is subject to denial based on “false recitals.” See ECF No. 344 at 32. In Mr. Stine’s Declaration (Affidavit), he swears that the claims he wishes to present have “never before been raised or disposed of by any federal or state court,” Case No. 14-cv-00269-BNB, ECF No. 3 at 56. Mr. Stine raised the protective custody issues in *Stine v. Fed. Bureau of Prisons, et al.*, No. 10-cv-01652-ZLW, ECF No. 32 (D. Colo. Aug. 17, 2010). The Court made extensive findings regarding Mr. Stine’s safety in Case No. 10-cv-01652-ZLW and determined his situation did not merit imminent danger of serious physical injury status. See *id.* Mr. Stine’s Affidavit, therefore, contains false information and is in violation of his filing restrictions. Accordingly, it is

ORDERED that Mr. Stine's request to proceed with the proposed petition, ECF No. 3, is DENIED without prejudice.

DATED at Denver, Colorado, this 31st day of January, 2014.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court