

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JONATHAN LEE RICHES,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. Action No. 09-132-JJF
	:	
JOHNNIE L. COCHRAN, JR.,	:	
et al.,	:	
	:	
Defendants.	:	

**MEMORANDUM ORDER**

Plaintiff Jonathan Lee Riches ("Plaintiff"), an inmate confined at FMC-Lexington, Kentucky, has engaged in filing numerous lawsuits that contain frivolous legal arguments and that are vexatious and abusive of the judicial process. Plaintiff is a prolific filer of inmate lawsuits, having filed more than 1,000 cases as of February 22, 2008. See Riches v. Garese, Civ. No. 08-086-HRW, 2008 WL 2475733 (E.D. Ky. June 18, 2008). Plaintiff routinely files lawsuits in distant federal courts without explaining his reasons for filing there.

On April 6, 2009, the Court ordered Plaintiff to show cause why he should not be enjoined from filing in the United States District Court for the District of Delaware, without prior authorization of the Court, any complaint, lawsuit, motion, or petition for writ of mandamus, UNLESS the filing is accompanied by each of the following: (a) the District Court filing fee or an allegation he is under imminent danger of serious physical injury; **and** (b) a statement as to his basis for jurisdiction and

venue being in the District of Delaware; **and** (c) evidence that he has obtained the permission of the Court for the filing. (D.I. 3.)

A district court has the power to enjoin vexatious litigants from filing meritless pleadings that duplicate ones already adjudicated. 28 U.S.C. § 1651; See Matter of Packer Ave. Assoc., 884 F.2d 745, 747 (3d Cir. 1989); Yadav v. Surtees, No. 02-3416, 87 Fed. Appx. 271 (3d Cir. Jan. 27, 2004). The Court, in seeking to enjoin Plaintiff as a vexatious litigant from future litigation, provided Plaintiff sufficient notice and an opportunity to be heard in the form of a Show Cause Order entered April 6, 2009. (D.I. 3); See Brow v. Farrelly, 994 F.2d 1027, 1038 (3d Cir. 1993).

Plaintiff did not respond to the Show Cause Order (D.I. 3). Accordingly, he has failed to show cause why he should not be enjoined from filing, without prior authorization of this Court, any complaint, lawsuit, motion, or petition for writ of mandamus.

THEREFORE, it is hereby ORDERED that:

1. Plaintiff is hereby enjoined from filing, without prior authorization of this Court, any complaint, lawsuit, motion, or petition for writ of mandamus.

2. Plaintiff must file a Motion For Leave To File with any document he proposes to file and must attach a copy of this Memorandum Order to it. The Motion shall be filed as a miscellaneous case.

3. As an exhibit to any motion seeking such leave, there must be attached, a Declaration prepared pursuant to 28 U.S.C. § 1746 or a sworn Affidavit certifying that (a) the document raises a new issue which has never been previously raised by the filer in this or any other court, (b) the claim or issue is not frivolous, (c) the document is not filed in bad faith, and (d) a statement as to the basis for jurisdiction and venue in the District of Delaware.

4. Concurrent with the filing, Plaintiff shall also submit the District Court filing fee or a sworn statement that he is under imminent danger of serious physical injury.

5. The Court shall deny any Motion For Leave To File if the proposed document is frivolous, vexatious, or harassing. If the Motion is denied, the document shall not be filed. The failure to comply with this Memorandum Order shall be sufficient grounds for this Court to deny any Motion For Leave To File.

6. If the Motion For Leave To File is granted, Plaintiff shall submit the Order as evidence that he has obtained the permission of the Court for the filing.

7. No document submitted by Plaintiff shall be filed prior to obtaining leave to file unless the document is specifically identified as a Motion For Leave To File, and unless the document contains an Affidavit or Sworn Declaration as required by this Memorandum Order, and a copy of this Memorandum Order.

8. The Clerk's Office shall not accept any filing fees, cover sheets, applications for leave to proceed without prepayment of fees, summonses, or U.S. Marshal Forms, in connection with a Motion For Leave To File, unless and until leave is granted.

6 / 16 / 09

DATED

Joseph J. Fama  
UNITED STATES DISTRICT JUDGE