

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSEPH M. VERRIER,

Plaintiff,

v.

Case No: 2:14-cv-744-FtM-29CM

PETER PERRINO and DIANE
LAPPAUL,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiff's Motion to Notify Court (Doc. 42); Motion to Request Disclosure without Serving (Doc. 60); Motion for Emergency Declaratory, Injunctive Relief Permitting Third Party Presence (Doc. 61); Request for Documents (Doc. 66); and Motion for Injunctive Relief (Doc. 67). Defendants responded to two of the motions per the Court's Order (Doc. 64) entered on October 27, 2016. Docs. 70, 74.

In his motion to notify court, Plaintiff seeks the Court and the Clerk of Court to serve the attached discovery requests (Doc. 42-1) to Defendants because he is incarcerated. Doc. 42. Defendants state that they received Plaintiff's discovery requests on May 2, 2016. Doc. 70 at 2. Therefore, Plaintiff's Motion to Notify Court is now moot. Doc. 42.

With respect to his motion to disclose without serving Defendants, Plaintiff seeks not to serve his initial disclosures under Rule 26(a)(1) to Defendants because of costs. Doc. 60. Defendants argue that the Court should deny Plaintiff's motion

because Plaintiff does not provide any legal basis or logic for his motion. Doc. 74 at 2. Furthermore, Defendants assert that Plaintiff's frequent filings of motions show that Plaintiff is not unable to afford to serve his Rule 26(a)(1) disclosures. *Id.* Under Rule 26(a)(4) of the Federal Rules of Civil Procedure, Plaintiff must serve all disclosures under Rule 26(a). Fed. R. Civ. P. 26(a)(4). As Defendants point out, because Plaintiff does not show any legal basis to support his claim, the Court denies his motion (Doc. 60).

In addition, on October 24, 2016, Plaintiff filed an emergency motion for injunctive relief. Doc. 61. Plaintiff states that he reported to the Florida Department of Corrections ("DOC") on October 24, 2016. *Id.* Plaintiff seeks to have a third party attend all of Plaintiff's meetings with the DOC because Plaintiff accused the DOC of retaliation and improper supervision. *Id.* The motion is moot because his alleged date of reporting to the DOC was October 24, 2016. *Id.* Furthermore, Plaintiff does not show any legal basis for his motion. *Id.* Plaintiff's motion for injunctive relief (Doc. 61) is denied.

In his request for documents, Plaintiff seeks copies of the Court's Order entered on April 6, 2016 and the complaint. Doc. 66. Plaintiff alleges that he did not receive a copy of the Order (Doc. 40). *Id.* at 1. It is not quite clear, however, whether Plaintiff is seeking a copy of the Complaint or the Amended Complaint. Docs. 1, 6. The Court will direct the Clerk to mail copies of the Court's Order entered on April 6, 2016 and Plaintiff's Complaint (Doc. 1) and Amended Complaint (Doc. 6) to Plaintiff.

Lastly, Plaintiff asks the Court to order the DOC to lift internet use restrictions and GPS monitoring imposed on Plaintiff. Doc. 67 at 2. United States District Judge John E. Steele clearly held that Plaintiff should not seek an order from this Court but take steps in the state court proceedings regarding Plaintiff's conditions of supervision. Doc. 65 at 3. Furthermore, Plaintiff seeks the appointment of counsel. Doc. 67 at 3. The Court already denied Plaintiff's motion for appointment of counsel on April 6, 2016. Doc. 40. Plaintiff seeks the appointment of counsel on grounds such as being unable to access internet, the court building, or libraries, which the Court denied in the Order entered on April 6, 2016. Docs. 40, 67.

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff's Motion to Notify Court (Doc. 42) is **DENIED**.
2. Plaintiff's Motion to Request Disclosure without Serving (Doc. 60) is **DENIED**. Plaintiff shall have up to and including **November 22, 2016** to serve his initial disclosures under Rule 26(a)(1) to Defendants.
3. Plaintiff's Motion for Emergency Declaratory, Injunctive Relief Permitting Third Party Presence (Doc. 61) is **DENIED**.
4. Plaintiff's Request for Documents (Doc. 66) is **GRANTED**. The Clerk of Court is directed to mail copies of the Court's Order entered on April 6, 2016, the Complaint (Doc. 1), and the Amended Complaint (Doc. 6) to Plaintiff.
5. Plaintiff's Motion for Injunctive Relief (Doc. 67) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on this 8th day of November,
2016.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record

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