

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**DOUGLAS M. JACKSON, SR.,**

**Plaintiff,**

**vs.**

**CASE NO. 1:05CV155-MMP/AK**

**STEVEN F. SINGER,**

**Defendant.**

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**ORDER**

Presently before the Court in the above entitled action are the following motions:

(1) Plaintiff's Motion for Rehearing (doc. 31-5); and (2) Plaintiff's Emergency Motion (doc. 31-6) to which Defendant has responded. (Doc. 31-7).

Plaintiff's motion for rehearing, construed as a motion for reconsideration of the Court's previous ruling on August 18, 2005, is **DENIED**. (See Doc. 18 in Case No. 3:05CV229-UA-HTS). Plaintiff claims that the Court misconstrued his motion as one seeking injunctive relief and failed to give him an evidentiary hearing, which he contends constitutes an obstruction of justice. Plaintiff does not have a right to an evidentiary hearing, that decision is based upon the Court's perceived necessity for developing

facts, and this Court will not second-guess the previous Court's decision that a hearing was not necessary. Regardless of how the Court construed the relief sought by Plaintiff, it does not have jurisdiction over persons not made Defendants in this cause, and thus, cannot grant any type relief. As the Court explained in its Order denying Plaintiff's prior motion, a new lawsuit must be filed before the Court can rule on the issues complained of in the motion.

Plaintiff has also filed another emergency motion alleging a litany of new complaints, which are not the claims raised in the complaint filed in this lawsuit, and concerns persons who are not defendants in this cause. As the Defendant notes in his response, this second motion should be denied for the same reasons as the Court in the Middle District cited in its Order dated August 18, 2005. The Court also agrees with Defendant that Plaintiff's practice of filing repetitive and frivolous motions constitutes an abuse of the Court's process and a harassment to the Defendant. **Plaintiff is herein warned to cease this practice immediately.** Plaintiff is on the Court's three strike list because he has filed over 18 lawsuits and been found on at least three occasions to have filed frivolous claims. Although he is proceeding in this matter because he has claimed imminent danger, which is the only reason he is being allowed to proceed with his complaint, this does not mean he can use this lawsuit to complain about everyone and everything he does not like about his current situation. Plaintiff will **not** bombard the Court with unnecessary paperwork and harass. As the case stands now, Defendant Singer is set to respond to the claims raised in the complaint. **Until that response is**

**received there is no further need for any communication by Plaintiff with this Court.** The Court will advise Plaintiff when a response from him is expected.

**Accordingly, it is**

**ORDERED:**

1. Plaintiff's Motion for Rehearing (doc. 31-5) is **DENIED**.
2. Plaintiff's Emergency Motion (doc. 31-6) is **DENIED**.
3. **Plaintiff is warned that no further motions should be filed at this time.**

**DONE AND ORDERED** at Gainesville, Florida, this 21st day of September, 2005.

**s/ A. KORNBLUM**  
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**ALLAN KORNBLUM**  
**UNITED STATES MAGISTRATE JUDGE**