

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

THOMAS JOSEPH CUTAIA,

Plaintiff,

v.

CASE NO. 4:08-cv-00329-MP-WCS

SECRETARY, DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

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**ORDER**

This matter is before the Court on Doc. 50, Plaintiff's Motion for Reconsideration, and Doc. 51, Plaintiff's "Motion to Statement Rights as to Pleadings and Court Filings for the Record, Pro Se." On February 27, 2009, Plaintiff filed an untimely notice of appeal (Doc. 35) of this Court's December 10, 2008, order (Doc. 25) adopting the Magistrate's Report and Recommendation (Doc. 20) and dismissing Plaintiff's amended complaint. On April 17, 2009, the Court issued an order (Doc. 45) denying Plaintiff's motion for leave to appeal *in forma pauperis* (Doc. 44). Plaintiff now seeks reconsideration of that order. Plaintiff's motions are frivolous. Moreover, as this matter is currently docketed before the Eleventh Circuit, the Court is without jurisdiction to grant the requested relief. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

The motions at Doc. 50 and Doc. 51 are DENIED.

**DONE AND ORDERED** this 14th day of May, 2009

*s/Maurice M. Paul*

Maurice M. Paul, Senior District Judge