

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

**JORGE L. NIEBLA,**

**Plaintiff,**

**vs.**

**Case No. 4:09cv384-RH/WCS**

**UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF FLORIDA,**

**Defendant.**

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**REPORT AND RECOMMENDATION**

Plaintiff, a *pro se* prisoner, submitted a civil rights complaint on September 28, 2009, doc. 1. I entered a report and recommendation on October 1, 2009, recommending dismissal of this action because Plaintiff is not entitled to proceed without full payment of the filing fee at the time of case initiation under 28 U.S.C. § 1915(g). Doc. 3. On October 7, 2009, Plaintiff filed a document which he titled, "motion to object." Doc. 4. Plaintiff's motion is construed as a motion for an injunction as he is challenging court orders entered in other cases, requesting an order "directing the Florida Department of Corrections to release [him] from disciplinary confinement," and seeking an order to transfer Plaintiff to another institution. Doc. 4. Plaintiff does not have an active case as he did not pay the filing fee, is not entitled to *in forma pauperis*

status, and the report and recommendation, doc. 3, is pending. Moreover, if Plaintiff challenges the court orders entered in other cases, he must seek relief in those cases. This case cannot be used to appeal decisions from prior federal cases. The motion, doc. 4, should be denied.

Accordingly, it is **RECOMMENDED** that Plaintiff's motion to object, doc. 4, construed as a motion for an injunction, be **DENIED**.

**IN CHAMBERS** at Tallahassee, Florida, on October 15, 2009.

s/ William C. Sherrill, Jr.  
**WILLIAM C. SHERRILL, JR.**  
**UNITED STATES MAGISTRATE JUDGE**

#### **NOTICE TO THE PARTIES**

**A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.**