

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 05-21208-CV-LENARD/WHITE

VINCENT FAUSTINO RIVERA,

Plaintiff,

vs.

JUDICIAL CONFERENCE ET AL,

Defendants.

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**ORDER ADOPTING REPORT OF MAGISTRATE JUDGE (D.E. 12) AND
DENYING MOTION TO REOPEN (D.E. 9)**

THIS CAUSE is before the Court on the Report of Magistrate Judge (“Report,” D.E. 12) filed on January 9, 2008. In his Report, Magistrate Judge White recommends that the Court deny Plaintiff’s Motion to Reopen (D.E. 9), filed on December 27, 2007. Plaintiff filed Objections to the Report (D.E. 13) on January 23, 2008.

In the Report, Magistrate Judge White notes that Plaintiff has filed at least forty-one civil rights complaints in this court, and at least twenty of his last complaints have been dismissed as successive, in violation of the Prison Litigation Reform Act. In this case, Plaintiff’s complaint was frivolous, and successive, and the complaint was dismissed pursuant to 28 U.S.C. §1915(g), on May 11, 2005 (D.E. 5). A dismissal pursuant to 28 U.S.C. §1915 (g) does not bar Plaintiff from the Court, but does not allow him to proceed in forma pauperis. If the plaintiff pays the Clerk’s \$350.00 filing fee, he may proceed. The only exception to this rule is if the plaintiff can show he is in immediate danger. The Magistrate

Judge found that Plaintiff has failed to demonstrate that his situation constitutes an exception to the procedural bar.

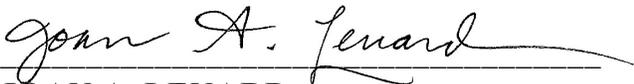
Further, the Magistrate Judge found that Plaintiff's Motion to Reopen, filed two and a half years later is out of time and does not contain any meaningful or substantive reason to reopen the case.

In his Objections, Plaintiff fails to articulate any specific objection to the Report. In any event, pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Report, the Objections, and the record de novo, and finds that, for the reasons laid out by the Magistrate Judge in his Report, it is hereby:

ORDERED AND ADJUDGED that:

1. The Report of Magistrate Judge Patrick A. White (D.E. 12), issued on January 9, 2008, is **ADOPTED**.
2. The Motion to Reopen Case (D.E. 9), filed on or about December 27, 2007 is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida this 5th day of September, 2008.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Patrick A. White
Vincent Faustino Rivera, pro se
Counsel of Record