

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

**PATRICK FLORENCE,**

**Petitioner,**

**VS.**

**KEVIN ROBERTS**

**Respondent.**

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**CIVIL ACTION FILE  
NO. 1:04-CV-25 (WLS)**

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**RECOMMENDATION**

Since November 17, 2008, petitioner has filed the following documents: # 75 - Motion for Leave to Appeal in forma pauperis, November 24, 2008, # 76 - Amended Motion, November 26, 2008, # 77 - Motion to Strike, and November 28, 2008, # 77 - Motion to Strike. In March 2007, the United States District Judge to whom this matter has been assigned adopted the report and recommendation to dismiss this habeas corpus petition. The United States Court of Appeals for the Eleventh Circuit has dismissed petitioner’s inappropriate attempts to appeal that order on two different occasions. Yet he continues to persist.

On each of the recently submitted filings from the petitioner he has included the above-captioned Civil Action File Number. However, on each of the four documents he has identified the respondent as “United States District Court [Albany, GA - Branch]”. Simply put no such case exists and naming this Court as a party in this case does not make the Court a party. Accordingly, it is the RECOMMENDATION of the undersigned that any and all relief requested in the above identified documents filed herein be summarily DENIED. Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable W. Louis Sands, United States District Judge, WITHIN TEN (10) DAYS of receipt thereof.

**SO RECOMMENDED**, this 1<sup>st</sup> day of December 2008.

*/s/ Richard L. Hodge*  
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RICHARD L. HODGE  
UNITED STATES MAGISTRATE JUDGE