

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

00-742 ✓

In re: ROBIN M. S. LEE,)
)
 Respondent.) ORDER
)
 _____)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 20 2001
at 3 o'clock and 20 min. P.M. *em*
WALTER A. Y. H. CHINN, CLERK

ORDER

This Court's records reflect that, since 1998, Respondent Robin M. S. Lee has initiated the following litigation in this Court:

- Civil No. 98-00209 HG - dismissed for failure to prosecute
- Civil No. 98-00210 ACK - dismissed for failure to timely amend or otherwise follow court's orders
- Civil No. 98-00219 ACK - dismissed for failure to prosecute
- Civil No. 98-00380 ACK - dismissed as frivolous and failure to state claim upon which relief may be granted
- Civil No. 98-00959 SOM - dismissed for failure to exhaust state remedies
- Civil No. 99-00100 DAE - dismissed for failure to exhaust state remedies
- Civil No. 99-00193 DAE - dismissed for failure to exhaust state remedies
- Civil No. 99-00213 ACK - dismissed for failure to exhaust state remedies
- Civil No. 99-00354 ACK - dismissed for failure to timely amend or otherwise follow court's orders
- Civil No. 99-00370 SOM - dismissed for failure to comply with court orders and for failure to state a claim upon which relief may be granted
- Civil No. 99-00406 HG - dismissed for failure to timely amend or otherwise follow court's orders
- Civil No. 99-00444 SOM - dismissed for failure to exhaust state remedies

EXHIBIT 1

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Civil No. 00-00520 HG - dismissed for failure to state claim upon which relief may be granted
Civil No. 00-00742 SOM - sua sponte dismissal for lack of jurisdiction and that Lee is not a licensed attorney authorized to represent other Plaintiffs named on complaint who did not themselves file the pleading
Civil No. 00-00753 SOM - sua sponte dismissal as Lee is not a licensed attorney authorized to represent Debra J. Jenkins who is named as plaintiff and because the complaint contains no allegations against Mr. Alm, the respondent named.

Respondent Lee's practice of burdening this Court with meritless litigation justifies careful oversight of respondent's future litigation in this Court.

The Supreme Court has recognized that "every paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources. A part of the Court's responsibility is to see that these resources are allocated in a way that promotes the interests of justice. The continual processing of petitioner's frivolous requests . . . does not promote that end." In re McDonald, 489 U.S. 180, 184 (1989). This Court faces the same problems of limited resources in handling its large volume of litigation.

Robin M. S. Lee, therefore, shall respond and show cause within 14 days of the entry of this order why this Court should not enter the pre-filing review order set out below. See Visser v. California, 919 F.2d 113, 114 (9th Cir. 1990) ("This court has the inherent power to restrict a litigant's ability to commence abusive

litigation"). If Respondent fails to file a timely response to this order, the Clerk shall forthwith enter the pre-filing review order regardless of further filings by Respondent.

Should the pre-filing review order be entered, Respondent's failure to comply with the order shall result in any new complaints he seeks to file being dismissed or not being filed and other sanctions being levied against him, such as a monetary judgment or a judgment of contempt, as the court may deem appropriate.

Pre-Filing Review Order

(1) This pre-filing review order shall apply to all pleadings filed by Respondent, in whole or in part, if he proceeds pro se. This order shall not apply where Respondent is represented by counsel. Should Respondent fail to comply with any of the provisions of this pre-filing review order, the Clerk shall not file the document and shall return the document to Respondent, informing him of the deficiencies and granting him 14 days to correct the deficiency.

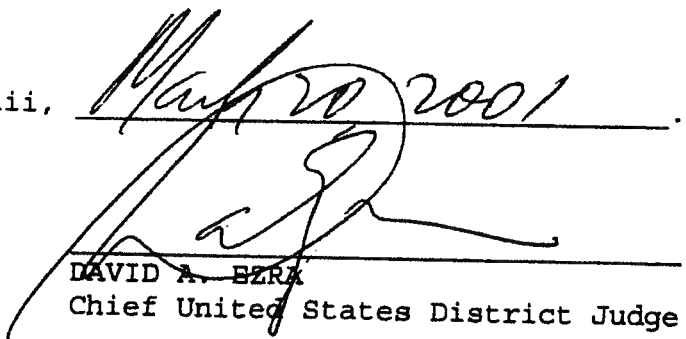
(2) Each pleading filed by Respondent shall comply with the requirements of the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the District of Hawaii, and shall contain the following sentence in capital letters "THIS PLEADING IS FILED SUBJECT TO PRE-FILING REVIEW ORDER" in the body of the pleading.

(3) If Respondent's future pleadings are submitted in compliance with this order, the Clerk shall lodge the pleading and accompanying documents. The Clerk shall not file the pleading except upon further order of the Court. Accord Sassower v. Sansverie, 885 F.2d 9, 10-11 (2d Cir. 1989) (clerk "to refuse to accept for filing any submissions from him, unless he has first obtained leave of the Court to file such papers"). The Court will review Respondent's submissions and determine whether they merit further review and whether they should be filed.

(4) This pre-filing review order shall remain in effect until further order of this Court. Respondent may, no earlier than two years from the date of filing of this order, petition the Court to lift this pre-filing review order, setting forth the reasons why the order should be lifted.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii,



DAVID A. EZRA
Chief United States District Judge

In Re ROBIN M. S. LEE, Respondent