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United States District Court,
N.D. Ohio,
Eastern Division.
Anthony R. MARTIN, Plaintiff,
v.
Benjamin SUAREZ, et al., Defendants.
No. 5:05CV2194.

Aug. 31, 2007.
Anthony R. Martin, New York, NY, pro se.

Craig Conley, Canton, OH, pro se.

MEMORANDUM OF OPINION AND ORDER
[RESOLVING DOC. 3]

ADAMS, J.

*1 On September 15, 2005, plaintiff *pro se* Anthony R. Martin aka Anthony Martin-Trigona aka Andy Martin submitted an Application Pursuant to Court Order Seeking Leave to File [FN1] and a Verified Complaint for Money Damages and Other Relief (Doc. 1). The verified complaint was filed in this Court on September 16, 2005. Several defendants were named in the complaint, including Craig Conley.

> FN1. Copies of a letter, dated September 15, 2005, the application, and a proposed order are attached to plaintiff's Verified Motion to Compel *Pro se* Attorney Craig Conley to Act in Accordance with Professional Norms (Doc. 8). *See* Doc. 8-2 at 8-17.

On September 22, 2005, defendant *pro se* Craig Conley's separate Motions to Dismiss (Doc. 3) and to Stay Proceedings (Doc. 4) were filed in this Court. Thereafter, the Court granted the motion to stay until the Court entered its ruling on the motion to dismiss. The Court also ordered that service of the verified complaint and a summons upon the defendants should not be attempted by Martin until the Court ruled upon the motion to dismiss. Finally, the Court ordered Martin to serve and file a memorandum in opposition to the motion to dismiss on or before October 27, 2005. *See* Order (Doc. 5).

Rather than merely file a memorandum in opposition, Martin filed the following on September 29, 2005:

Verified Motion to Strike Motion to Dismiss and Response to "Motion to Dismiss" filed by *Pro Se* Attorney Craig Conley (Doc. 6);
Verified Motion to Vacate Improvidently Entered Stay (Doc. 7); and
Verified Motion to Compel *Pro se* Attorney Craig Conley to Act in Accordance with Professional Norms (Doc. 8).

Martin also filed a Supplement to Response to Motion to Dismiss filed by *Pro Se* Attorney Craig Conley (Doc. 10).

The Court holds that Martin did not comply with the nationwide permanent injunction in ***Martin-Trigona v. Lavien (In re Martin-Trigona)***, 592 F.Supp. 1566 (D.Conn.1984), *aff'd*, 763 F.2d 140 (2nd Cir.1985), *cert. denied*, 474 U.S. 1061 (1986) prior to the filing of the verified complaint in the case at bar. As Conley points out in his Submissions of Supplemental Authority (Docs. 20 and 21), the Court of Appeals for the Sixth Circuit twice relied upon the fact that Martin has previously been enjoined from filing actions in federal courts without seeking *and* obtaining appropriate leave of court. *See Suarez Corp. v. Napier*, No. 05-4102, slip op. (6th Cir. Jan. 17, 2006) (appeal dismissed because Martin's filings in the district court violated the injunction); *Suarez Corp. v. Martin*, No. 05-4597, slip op. (6th Cir. Feb. 7, 2006) (appeal dismissed because Martin did not comply with the permanent injunction).

That injunction prohibited Martin from initiating " any new lawsuit, action, proceeding, or matter in any federal court, agency, tribunal, committee, or other federal forum of the United States ... without first obtaining leave of that court, agency, tribunal, committee, or other forum." *In re Martin-Trigona,* 592 F.Supp. at 1571. Martin did not obtain leave to file the Verified Complaint for Money Damages and Other Relief (Doc. 1) in the instant case as required by the injunction and said leave is hereby DENIED. That alone is "sufficient basis for sustaining a motion to dismiss such a lawsuit, action, proceeding, or matter...." *Suarez Corp.,* No. 05-4597, slip op. at 2 (quoting *In re Martin-Trigona,* 592 F.Supp. at 1572). Accordingly,

*2 Defendant *pro se* Craig Conley's Motion to Dismiss (Doc. 3) is GRANTED.

IT IS SO ORDERED.

Slip Copy, 2007 WL 2572235 (N.D.Ohio)

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