

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RANDALL B. HOFLAND,)
Plaintiff)
)
v.) 1:11-cv-00053-JAW
)
RICHARD LAHAYE, JR., et al.,)
Defendants)

ORDER AFFIRMING RECOMMENDED DECISION AND DENYING MOTION TO
EXTEND TIME TO FILE MEMORANDUM

On February 11, 2011, Randall B. Hofland filed a complaint against forty-three known and an unspecified number of unknown defendants, alleging that they engaged in a conspiracy against him and thereby violated a list of federal criminal and civil statutes. *Compl.* (ECF No. 1). He filed an amended complaint on February 17, 2011. *Am Compl.* (ECF No. 4). The magistrate judge performed an initial screening of the Amended Complaint and on March 18, 2011, she recommended that the Court dismiss the Amended Complaint. *Recommended Decision and Order on Mot. to Consolidate* (ECF No. 11). Mr. Hofland objected to the Recommended Decision on May 23, 2011 and the Court affirmed the Recommended Decision on May 24, 2011 over his objection. *Pl.'s Objection to R & R* (ECF No. 21); *Order Affirming the Recommended Decision of the Magistrate Judge* (ECF No. 23). On May 24, 2011, Mr. Hofland filed a supplemental objection and on May 26, 2011, the Court reviewed and considered his supplemental filing and affirmed the Recommended Decision. *Supplement to Pl.'s Objection to Recommended Decision* (ECF No. 24); *Supplemental Order Affirming the*

Recommended Decision of the Magistrate Judge (ECF No. 25). The Court entered Judgment against Mr. Hofland's Amended Complaint on May 26, 2011. *J.* (ECF No. 26). On June 7, 2011, Mr. Hofland moved for relief from Judgment and on June 9, 2011, the Court denied the motion. *Mot. for Relief from J.* (ECF No. 27); *Order on Pl.'s Mot. for Relief from J. and Mot. to Extend Time* (ECF No. 29). On June 30, 2011, Mr. Hofland appealed the dismissal to the Court of Appeals for the First Circuit. *Notice of Appeal* (ECF No. 30). On May 30, 2012, the Court of Appeals affirmed the district court Judgment. *J.* (ECF No. 41).

While his appeal was pending before the Court of Appeals, Mr. Hofland filed a motion to amend the record pursuant to Rule 60(b) on May 10, 2012. *Mot. to Vacate J. of Dismissal (Rule 60(b))* (ECF No. 39). On June 8, 2012, describing the motion as "frivolous in the extreme," the magistrate judge recommended that the motion be denied as soon as the district court regained jurisdiction upon the receipt of the Court of Appeals mandate. *Recommended Decision Re: Mot. for Leave to File Mot. to Vacate J. of Dismissal* (ECF No. 42). The Court of Appeals issued its Mandate on July 2, 2012. *Mandate* (ECF No. 45). On July 19, 2012, Mr. Hofland filed an objection to the magistrate judge's recommended decision and a motion to extend time to file memorandum. *Objection to Recommended Decision* (ECF No. 46); *Mot. to Extend Time to File Memorandum* (ECF No. 47).

The Court AFFIRMS the Recommended Decision of the magistrate judge and DENIES the Motion for Extension of Time. First, as the magistrate judge pointed out, this case is over. This Court closed the case on May 26, 2011; the Court of

Appeals for the First Circuit affirmed the Judgment on May 12, 2012 and issued its Mandate on July 2, 2012. Mr. Hofland cannot revive what is judicially dead. Second, Mr. Hofland is under filing restrictions in this Court ironically precipitated by his frivolous filings in the companion case of *Hofland v. LaHaye*, 1:09-cv-00172-JAW, which alleged substantially the same conspiracy. Third, even if the Court were to consider the merits of his motion, it would deny the motion. Mr. Hofland persists in believing that claims innumerable state officials and private parties participated in a vast conspiracy against him and as the Court warned Mr. Hofland in its January 18, 2012 Order, “[t]he federal courts are not the place for Mr. Hofland to play out his bizarre conspiracy theories and meritless private vendettas.” *Hofland v. LaHaye*, 1:090-cv-00172-JAW, *Order on Recommended Decision* at 11 (ECF No. 11). Finally, because the motion itself is frivolous, because Mr. Hofland is operating under a filing restriction, and because he has not obtained prior permission to make this filing, the Court STRIKES Randall B. Hofland’s Motion to Vacate Judgment of Dismissal and his Motion for Extension of Time.

The Court AFFIRMS the Recommended Decision of the Magistrate Judge, DENIES Randall B. Hofland’s Motion to Vacate Judgment of Dismissal (Rule 60(b)) (ECF No. 42), DENIES Randall B. Hofland’s Motion for Extension of Time (ECF No. 47), and STRIKES both pleadings.

SO ORDERED.

/s/John A. Woodcock, Jr.
John A. Woodcock, Jr.
Chief U.S. District Judge

Dated this 15th day of August, 2012.