

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MARK GRAHAM,)	
)	
Plaintiff,)	
)	
v.)	2:21-cv-00258-JDL
)	
CAPTAIN DAVID COSTELLO, et al.,)	
)	
Defendants.)	

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE AND COK WARNING**

On September 9, 2021, Plaintiff Mark Graham, who is incarcerated at the Cumberland County Jail and proceeding pro se, filed a Motion for Preliminary Injunction and Temporary Restraining Order (ECF No. 3) to cure his alleged mistreatment at the jail. On September 15, 2021, United States Magistrate Judge John C. Nivison filed his Recommended Decision (ECF No. 5), pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2021) and Fed. R. Civ. P. 72(b), denying the motion in part with respect to the temporary restraining order and deferring action on the preliminary injunction. Graham filed eight objections (ECF Nos. 7, 9, 11, 12, 13, 15, 16, 17) on September 21, 27, and 28 and October 4, 5, 7, and 12, 2021, the first of which conceded that he has not yet demonstrated that a temporary restraining order should issue. The second objection (ECF No. 9) contained a Motion for Hearing (ECF No. 10).

I have reviewed and considered the Recommended Decision, together with the entire record, and have made a de novo determination of all matters adjudicated by the Magistrate Judge. I concur with the recommendations of the Magistrate Judge for the reasons set forth in his Recommended Decision and determine that no further proceeding is necessary.

Further, in light of Graham's repeated frivolous objections to the Recommended Decision, the Court hereby issues a *Cok* warning: **Any further frivolous filings by Graham, in this docket or in a new case, may result in an immediate order restricting his ability to file documents with the Court.** *See Cok v. Fam. Ct. of R.I.*, 985 F.2d 32, 35-36 (1st Cir. 1993). Those restrictions may include: requiring Graham to append an affidavit to future pleadings stating that the pleadings do not raise the same issues that this Court has previously dismissed, as well as a concise summary of the claim(s); limiting his ability to file documents within a new action without Court approval; limiting the number and length of Graham's filings; and other restrictions to screen out frivolous filings. *See United States v. Gomez-Rosario*, 418 F.3d 90, 101 (1st Cir. 2005) (noting that federal courts may "enjoin a party—even a *pro se* party—from filing frivolous and vexatious motions"); *Procup v. Strickland*, 792 F.2d 1069, 1072-73 (11th Cir. 1986) (listing illustrative restrictions). Although Graham is representing himself, he may not submit "[g]roundless and inappropriate filings" to the Court. *D'Amario v. United States*, 251 F.R.D. 63, 64 (D. Me. 2008). "[F]rivolous filings waste judicial resources" and

inhibit the resolution of substantial matters. *Adams v. Adams*, No. 1:17-cv-00200-GZS, 2019 WL 2814627, at *1 (D. Me. July 2, 2019).

It is therefore **ORDERED** that the Recommended Decision (ECF No. 5) of the Magistrate Judge is hereby **ACCEPTED**; Graham's Motion for Preliminary Injunction and Temporary Restraining Order (ECF No. 3) is **DENIED IN PART** as to Graham's request for a temporary restraining order; and his Motion for Hearing (ECF No. 10) is **DENIED**.

SO ORDERED.

Dated this 14th day of October, 2021.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE