

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ROGER JOHNSON

PLAINTIFF

vs.

CAUSE NO. 3:04cv393-HTW-FKB

WILLIE E. JOHNSON, et al

DEFENDANTS

ORDER REGARDING ALL OUTSTANDING MOTIONS

BEFORE THIS COURT are the following motions:

1. Motion for Extension of Time to file Motion to Reconsider [**Docket no. 330**] filed by the *pro se* plaintiff, Roger Johnson;
2. Motion for Reconsideration of this Court's Order [Docket no. 326] denying plaintiff's post jury verdict motions [**Docket no. 331**] filed by the *pro se* plaintiff; and
3. Motion for Sanctions and/or Injunctive Relief pursuant to Rule 11 [**Docket no. 335**] filed by the defendants, Willie E. Johnson, Carl E. Medlock, Delanio Sanders, and William H. Thornton.

The issues are fully briefed by the parties, or the time periods for filing a response have long since passed, and this Court, being fully advised in the premises, finds as follows:

I. MOTION FOR RECONSIDERATION [Docket no. 331**]**

In denying plaintiff's motion for a new trial [Docket no. 315] and motion for judgment as a matter of law [Docket no. 316], this Court found that plaintiff's "argument that his lawsuit should have been treated as a 'conditions of confinement' case and not as an 'episodic act or omission'" had been "made ... before and even appealed ... to the Fifth Circuit Court of Appeals which held

that plaintiff's case presents an 'episodic act or omission' to which this court must apply the 'deliberate indifference' standard." [Docket no. 326] (citing *Johnson v. Johnson*, 694 F. App'x 945, 946 (5th Cir. 2017)). This Court has repeatedly cautioned plaintiff "that he shall not file any more motions challenging whether the lawsuit *sub judice* presented a 'condition of confinement' or 'an episodic act or omission.'" [Docket no. 326]; [Docket no. 329].

Plaintiff's instant motion does nothing more than reargue this same issue. Pursuant to the reasoning in [Docket no. 326], this Court finds that plaintiff's Motion for Reconsideration [**Docket no. 331**] must be denied.

II. MOTION FOR EXTENSION OF TIME [**Docket no. 330**]

Plaintiff requests additional time in this motion to file his aforementioned Motion for Reconsideration [Docket no. 331]. Because the arguments in his Motion for Reconsideration [Docket no. 331] lack any merit, plaintiff's Motion for Extension of Time [**Docket no. 330**] must also be denied.

III. MOTION FOR SANCTIONS / INJUNCTIVE RELIEF [**Docket no. 335**]

This Court has inherent power to sanction the misconduct of litigants practicing before it, including *pro se* litigants. *Bigsby v. Runyon*, 129 F.3d 610 (5th Cir. 1997). Such sanctions may be injunctive in nature. *Id.*; see also *In re Anderson*, 511 U.S. 364, 365, 114 S. Ct. 1606, 1607, 128 L. Ed. 2d 332 (1994)). Plaintiff has been repeatedly cautioned against filing "any more motions challenging whether the lawsuit *sub judice* presented a 'condition of confinement' or 'an episodic act or omission.'" [Docket no. 326]; [Docket no. 329]. As shown through his Motion for Extension of Time [Docket no. 330] and Motion for Reconsideration [Docket no. 331], plaintiff remains "[u]ndeterred by this court's admonition...." [Docket no. 329].

Pursuant to this Court's inherent power to issue injunctive relief under Rule 11, this Court finds that defendants' Motion for Sanctions / Injunctive Relief [**Docket no. 335**] should be granted and plaintiff shall hereinafter be precluded from filing any further pleading in the instant cause of action. No attorneys' fees, costs or expenses, other than the \$2.40 costs that were taxed against plaintiff on April 24, 2019 [Docket no. 337], shall be awarded to defendants.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that the plaintiff's Motion for Reconsideration [**Docket no. 331**] is hereby **DENIED**.

IT IS FURTHER ORDERED that the plaintiff's Motion for Extension of Time [**Docket no. 330**] is hereby **DENIED**.

IT IS FURTHER ORDERED that the defendants' Motion for Sanctions / Injunctive Relief [**Docket no. 335**] is hereby **GRANTED** and plaintiff is hereinafter barred from filing any further pleading(s) with this Court in the instant cause of action. The clerk of this court is directed to return to the *pro se* plaintiff, Roger Johnson, unfiled, any attempted submission inconsistent with this bar.

IT IS FURTHER ORDERED that the defendants' bill of costs in the amount of \$2.40 [**Docket no. 337**] is herein approved and that no other request for attorneys' fees, costs or expenses shall be awarded in favor of the defendants and against the plaintiff.

SO ORDERED this the 14th day of February, 2020.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE

PREPARED AND SUBMITTED BY:

/s/ Jason E. Dare

Jason E. Dare (MSB No. 100973)

jdare@pbhfirm.com

PETTIS, BARFIELD & HESTER, P.A.

Post Office Box 16089

Jackson, Mississippi 39236-6089

Attorney for Defendants