

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JOHN DANIEL MARTIN, III, #23201-034

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09cv28-DCB-MTP

BRUCE PEARSON, Warden

RESPONDENT

ORDER GRANTING MOTION TO STRIKE

THIS MATTER is before the court on Respondent's Motion [24] to Strike Petitioner's Document # 22. Having reviewed the motion, the court finds that it is well-taken and should be granted.

Rule 12(f) of the Federal Rules of Civil Procedure authorizes the court to "order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous material." It is entirely unclear from Document # 22 what relief Petitioner is seeking. Moreover, as Respondent points out, this document could be construed to be a false lien or encumbrance in violation of 18 U.S.C. § 1521. Accordingly, the court finds that Document # 22 should be stricken.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Respondent's Motion [24] to Strike Petitioner's Document # 22 is granted. Document # 22 shall be deemed stricken from the docket. Plaintiff is warned that any further filings of this nature may result in the imposition of sanctions, including dismissal of his claims with prejudice.

SO ORDERED and ADJUDGED this the 23rd day of October, 2009.

s/ Michael T. Parker

United States Magistrate Judge