

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

THIS MATTER is before the court on Petitioner's "Special Appearance Brief in the Nature of Judicial Notice of Default" [27], which has been docketed by the court as a "Motion for Information." It is entirely unclear from this convoluted motion what relief Petitioner is seeking. This is not the first time that Petitioner has filed unintelligible pleadings with the court. *See, e.g.*, [22].¹ Petitioner is cautioned that his *pro se* status does not relieve him of the requirements of Rule 11 of the Federal Rules of Civil Procedure, which provides that by presenting a pleading, motion or other paper to the court, an attorney or unrepresented party certifies, *inter alia*, that it is not being presented to harass, cause unnecessary delay or costs; and that all claims and contentions are supported by law or fact. "While the district court is obliged to construe *pro se* pleadings liberally, it is not required to condone blatantly frivolous, vexatious, or harassing conduct ... On the contrary, Rule 11 as then in force, mandated that such activity be punished regardless of its source, and Congress specifically amended the rule in 1983 to include *pro se* litigants." *Knighten v. Cave & McKay*, 1994 WL 442426, at * 3 (5th Cir. July 29, 1994).

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff's Motion for Information [27] is denied. Plaintiff is warned that any further filings of this nature may result in

¹ Upon Respondent's Motion to Strike [24], this document was ordered [26] stricken from the record.

the imposition of sanctions, including dismissal of his claims with prejudice.

SO ORDERED and ADJUDGED this the 28th day of October, 2009.

s/ Michael T. Parker

United States Magistrate Judge