

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARTHUR JAMES GRIFFIN JR.,)

8:13CV88

Plaintiff,)

v.)

TODD SCHMADERER, Omaha)
Police Chief, MIKE MYERS,)
Director, and DOUGLAS COUNTY)
DEPARTMENT CORRECTIONS,)

Defendants.)

**MEMORANDUM
AND ORDER ON A MOTION FOR
APPLICATION FOR 28 U.S.C. §
2241 AND SEVEN MOTIONS TO
MODIFY OR AMEND**

This matter is before the court on a Motion for Application for [28 U.S.C. § 2241](#) (filing no. [52](#)) and seven Motions to Modify or Amend (filing nos. [48](#), [49](#), [54](#), [55](#), [56](#), [58](#), and [59](#)) filed by the plaintiff, Arthur James Griffin, Jr. (“Griffin”). For the reasons discussed below, Griffin’s motions are denied.

On May 28, 2013, I dismissed this matter and entered Judgment against Griffin for failing to comply with my orders. (Filing Nos. [41](#) and [42](#).) Thereafter, Griffin filed, and I denied, five motions to modify. (See Filing No. [47](#).) Griffin continues to file motions, most of which contain rambling narrations of fact, conclusory legal assertions, and long lists of citations. (Filing Nos. [48](#), [49](#), [52](#), [54](#), [55](#), [56](#), [58](#), and [59](#).) In addition, Griffin continues to file Notices and Requests with random newspaper clippings and copies of disciplinary misconduct reports from his institution. (See, e.g., Filing Nos. [51](#) and [53](#).)

When very liberally construed, Griffin may be seeking relief from my Judgment pursuant to [Fed. R. Civ. P. 59\(e\)](#). (See Filing Nos. [48](#), [49](#), [52](#), [54](#), [55](#), [56](#), [58](#), and [59](#).) “[Rule 59\(e\)](#) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence Such motions

cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.” [U.S. v. Metro. St. Louis Sewer Dist.](#), 440 F.3d 930, 933 (8th Cir. 2006) (internal citations and quotations omitted).

Griffin’s motions have been carefully reviewed and I find that he is not entitled to relief under [Rule 59](#). Moreover, Griffin is warned that if he continues to file meritless motions, he could be subject to sanctions, including, but not limited to, being enjoined from filing any further pleadings, motions, or other items related to this matter without prior authorization from this court. Indeed, the Eighth Circuit has held that litigants who have abused the judicial system may be enjoined from filing future litigation. See [In re Tyler](#), 839 F.2d 1290, 1292 (8th Cir. 1988) (recognizing that there is “no constitutional right of access to the courts to prosecute an action that is frivolous or malicious” and that “[f]rivolous, bad faith claims consume a significant amount of judicial resources, diverting the time and energy of the judiciary away from processing good faith claims” (citations omitted)). “The Court may, in its discretion, place reasonable restrictions on any litigant who files non-meritorious actions for obviously malicious purposes and who generally abuses judicial process.” [Id.](#) (citations omitted).

IT IS THEREFORE ORDERED that:

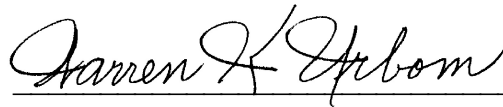
1. Griffin’s Motion for Application for [28 U.S.C. § 2241](#) (filing no. [52](#)), and Motions to Modify or Amend (filing nos. [48](#), [49](#), [54](#), [55](#), [56](#), [58](#), and [59](#)), liberally construed as Motions for Relief Under [Rule 59\(e\)](#), are denied.

2. Griffin is warned that if he continues to file meritless motions, he could be subject to sanctions, including, but not limited to, being enjoined from filing any

further pleadings, motions, or other items related to this matter without prior authorization from this court.

Dated June 24, 2013.

BY THE COURT

A handwritten signature in cursive script, reading "Warren K. Urbom", positioned above a horizontal line.

Warren K. Urbom
United States Senior District Judge

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