

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HITOSHI OMBE,

Plaintiff,

vs.

No. CV 14-00763 RB-KBM

STATE OF NEW MEXICO, *et al.*

No. CV 14-00856 RB-KBM

No. CV 14-00857 RB-KBM
(consolidated)

Defendants.

ORDER

This matter is before the Court on Mr. Ombe's objections to the filing restrictions (Doc. 197).


- Mr. Ombe's objection to the first condition—that he may file documents through a licensed attorney—is overruled because the first condition simply indicates the Court's trust in the judgment of officers of the Court, not the Court's expectation that Mr. Ombe would be able to obtain an attorney. (*See* Doc. 197 at 4; Doc. 191 at 3.)
- Mr. Ombe's objection to the second and third conditions is vague, and upon reexamination of the conditions, the Court is satisfied that they are sufficiently clear. (*See* Doc. 197 at 4; Doc. 191 at 3–4.)
- Mr. Ombe's objection to the fourth condition is noted, but notices are not necessary to prove Mr. Ombe's good faith efforts to prosecute the case, and Mr. Ombe has been given many opportunities to argue that he has been unjustly penalized for his illness. (*See* Doc. 197 at 4; Doc. 191 at 4.)

- Mr. Ombe’s objection to the sixth condition is noted, but the Court proposed to prospectively enjoin filing by fax, so the information Mr. Ombe received was not inconsistent with the Court’s proposal. (*See* Doc. 197 at 4–5; Doc. 191 at 4.)
- Mr. Ombe vehemently objects to the Court’s seventh condition—that Mr. Ombe refrain from denigrating others. The Court understands Mr. Ombe’s frustration, but frustration does not justify a lack of civility. (*See* Doc. 197 at 5–9; Doc. 191 at 4.)

In conclusion, Mr. Ombe’s objections to the proposed filing restrictions are overruled.

The filing restrictions the Court previously outlined, (*see* Doc. 191 at 3–4), will take effect immediately.

The Court notes that it has entered final judgment dismissing Mr. Ombe’s three consolidated cases with prejudice. Mr. Ombe is free to timely appeal the Court’s decision to the United States Court of Appeals for the Tenth Circuit. *See* <https://www.ca10.uscourts.gov/clerk/filing-your-appeal/pro-se>.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE