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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AROR ARK O'DIAH, 07A2463,

Plaintiff,

-v-

DECISION AND ORDER
10-CV-6611L

SECRETARY NYS DEPARTMENT TAXATION
and FINANCE; SECRETARY OF THE STATE OF
NEW YORK DEPARTMENT OF STATE; NEW
YORK STATE SECRETARY OF DEPARTMENT
OF HEALTH AND HUMAN SERVICES;
THOMAS A. KLONICK; ROY L. REARDON;
JAMES EDWARD PELZER; MANUEL A
ROMERO; PATRICK T. BURKE;
SHERRILL SPATZ; COMMISSIONERS and
ADMINISTRATIVE LAW JUDGES OF THE
NEW YORK STATE DEPARTMENT OF MOTOR
VEHICLES; PETRONE & PETRONE, P.C. and
DAVIS H. WALSH, IV;

Defendants.

AROR ARK O'DIAH, 07A2463,

Plaintiff,

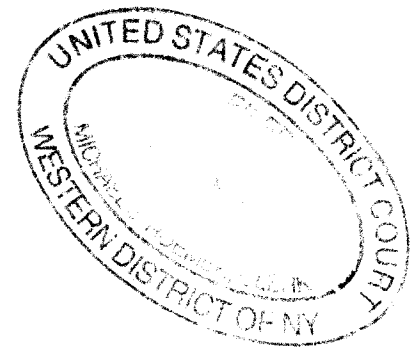
-v-

DECISION AND ORDER
11-CV-6128L

UNITED STATES OF AMERICA and
NEW YORK STATE,

Defendants.

Plaintiff's complaints in 10-CV-6611L and 11-CV-6128 were dismissed, and plaintiff was directed to show cause why sanctions should not be imposed upon him. Plaintiff has filed a response as to why sanctions should not issue (Docket # 11).



Plaintiff continues to ignore that the proper process and mechanism for review is by appeal or as provided by the Federal Rules of Civil Procedure, and not merely reiterating his disagreement repeatedly and through different courts in different venues. Plaintiff suggests that this Court has disregarded the Second Circuit Court of Appeal's decision related to the sanction imposed in the Eastern District of New York, and that he no longer is bound by that prohibition. However, this Court has itself issued orders related to plaintiff's filings, and has warned plaintiff of the consequences for noncompliance.

Plaintiff continues to ignore this Court's Orders. He argues that the specific defendants he included in his second action are not already included in an on-going action, and indicates that the Court could consolidate that action with on-going litigation. Plaintiff, however, fails to acknowledge that he has again disregarded the Court's direction that if he seeks to add defendants related to a pending action, he must seek to amend in that action. Plaintiff also again disregards the Court's decision that actions and claims that did not occur in this District have nothing to do with this District, are not appropriately brought here under any circumstance.

Plaintiff has, thus, shown that he continues to ignore procedural rules and this Court's Orders, as discussed above, and will not accept the fact that claims already decided may not be re-litigated.

This Court is constrained to sanction plaintiff as the only solution remaining to prevent the extraordinary expense of public resources by this Court in addressing his repeated, lengthy, vituperative and duplicative complaints. Plaintiff has failed to adequately show cause why he should not be sanctioned for his behavior, including violating the Federal Rules of Civil Procedure and Court Orders. Accordingly, plaintiff may **not** file any additional actions, of any type, in this Court without first obtaining the prior approval of the Court.

The Clerk of the Court is directed to **not file** any future (“new”) actions, of any type, submitted by Aror Ark O'Diah, until the Court has determined whether it has jurisdiction over the claims; the allegations in fact are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; or the action is not frivolous, baseless, repetitious, vexatious or not filed simply to annoy or harass.

If the Court determines that the submission should be accepted for filing, the Court will so direct. In the event a future complaint or action is determined to be insufficient for lack of subject matter jurisdiction, or to be otherwise frivolous, baseless, repetitious, vexatious or filed simply to annoy or harass, the complaint shall be dismissed with prejudice by summary Order citing to this Decision and Order. Only upon a determination that a future or new action may go forward shall the Court direct the Clerk of the Court to cause the United States Marshals Service to serve the defendants or to issue summonses. Unless and until the Court enters an Order directing the Clerk of the Court to cause the United States Marshals Service to serve a summons and complaint on the defendants or to issue summonses, no defendant shall be required to answer or otherwise respond.

To the extent that plaintiff seeks to make a complaint regarding judicial conduct, he must make that complaint to the Second Circuit Court of Appeals.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

DATED: June 7, 2011
Rochester, New York