

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Terry Bender)	CASE NO.: 1:16CV2448
)	
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
)	
B. Von Blanckensee)	<u>ORDER OF DISMISSAL</u>
)	
Respondent.)	
)	

On October 5, 2016, Petitioner Terry Bender filed this action pursuant to 28 U.S.C. § 2241.

However, on October 4, 2006, a colleague on this Court ordered as follows:

Consequently, Terry L. Bender is permanently enjoined from filing any new lawsuits or other documents without seeking and obtaining leave of court in accordance with the following:

1. He must file a "Motion Pursuant to Court Order Seeking Leave to File" with any document he proposes to file and he must attach a copy of this Order to it (any such motion should be filed in a miscellaneous case).
2. As an exhibit to any motion seeking such leave, he must also attach a declaration which has been prepared pursuant to 28 U.S.C. § 1746 or a sworn affidavit certifying that (1) the document raises a new issue which has never been previously raised by his in this or any other court, (2) the claim or issue is not frivolous, and (3) the document is not filed in bad faith.
3. By means of a second exhibit, he must identify and list: (a) the full caption of each and every suit which has been previously filed by his or on his behalf in any court against each and every defendant in any new suit he wishes to file, and (b) the full caption of each and every suit which he has currently pending.
4. As a third exhibit to the motion, he must provide a copy of each complaint identified and listed in accordance with the foregoing paragraph 3 and a certified record of its disposition.

The court may deny any motion for leave to file if the proposed document is frivolous, vexatious or harassing. If the motion is denied, the document shall not be filed. Further, plaintiff's failure to comply with the terms of this Order shall be sufficient ground for this court to deny any motion for leave to file, and may be considered an act of contempt for which he may be punished accordingly.

Further, to prevent future harassment by plaintiff and the waste of this court's limited resources, the Clerk's Office is hereby ordered as follows:

(1) Any document submitted by Mr. Bender prior to him obtaining leave to file shall not be filed unless it is specifically identified as a "Motion Pursuant to Court Order Seeking Leave to File," and unless it contains: 1) an affidavit or sworn declaration as required by this order; 2) a copy of this Memorandum of Opinion; and, 3) the exhibits required by this Memorandum of Opinion.

Bender v. United States, Case No. 1:06CV1504, Doc. 2 at 8-10. In the instant matter, the clerk's office inadvertently failed to follow the dictates of the existing permanent injunction and accepted Bender's filing. As the filing does not attempt to comply with the requirements imposed on Bender, the instant petition is hereby DISMISSED. Bender is instructed that further failure to comply with the provisions set forth above may result in a finding of contempt.

Pursuant to 28 U.S.C § 1915(a)(3), the Court certifies that Bender may not take an appeal from the Court's decision in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

DATED: October 12, 2016

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE