

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|-------------------------------|---|--------------------------------------|
| FREDERICK BANKS, | : | CIVIL ACTION NO. 1:06-CV-1127 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| | : | |
| JULIE NICLKIN, et al., | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 1st day of February, 2010, upon consideration of plaintiff's motion for sanctions (Doc. 109) pursuant to Federal Rule of Civil Procedure 11, in which plaintiff seeks to impose sanctions against defendants based upon the conduct of three chaplains¹ employed at the Federal Correctional Institution at Yazoo City, Mississippi, plaintiff's present place of incarceration, and it appearing that the chaplains are not named as defendants and that the defendants that are named in this action cannot be sanctioned for the conduct of non-parties under Rule 11 (encompassing representations made to the court *via* a pleading, written motion, or other paper submitted by an attorney or unrepresented party), and it further appearing that plaintiff has failed to specify the Rule 11(b) conduct which warrants sanctions, FED. R. CIV. P. 11(c)(2) (stating that a motion for sanctions must

¹Plaintiff alleges that Chaplains Holsten, Tofflemirei, and Tigner confiscated several religious compact discs in retaliation for his participation in a deposition taken in relation to this action.

describe the specific conduct that allegedly violates Rule 11(b)), it is hereby
ORDERED that the motion (Doc. 109) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge