

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

FREDERICK BANKS,)	
Petitioner,)	
)	
v.)	Misc. No. 16-61
)	
MERIT SYS. PROT. BD. U.S. DEP'T)	
OF JUSTICE, et al.,)	
Respondents.)	

FREDERICK BANKS,)	
Petitioner,)	
)	
v.)	Misc. No. 16-79
)	
JUDGE MARK HORNAK, et al.,)	
Respondents.)	

MEMORANDUM OPINION

CONTI, Chief District Judge

Presently pending in the above captioned actions are the petitioner’s “Motion to Vacate Judgment and Order of Dismissal; and to Vacate Vex[atious] Litigan[t] Order; Fed. R. Civ. Proc. 60(b)(4) Void Judgment.” (Misc. No. 16-61, ECF No. 11; Misc. No. 16-79, ECF No. 11).

By order dated December 8, 2015 entered in Banks v. Pope Francis, et. al., Civ. No. 15-1400 (W.D. Pa.) (ECF No. 7), petitioner Frederick Banks (“Banks”) was designated by another district judge of this court a vexatious litigant and was “enjoined from filing, without prior authorization of the Court, any complaint, lawsuit or petition for writ of mandamus.” Id. at 7.

Banks filed the above captioned matters without seeking the required leave, and therefore, the court dismissed them without prejudice. (Misc. No. 16-61, ECF No. 2; Misc. No. 16-79, ECF No. 2). Banks then filed motions for reconsideration, (Misc. No. 16-61, ECF No. 3; Misc. No. 16-79, ECF No. 3), which the court likewise denied. (Misc. No. 16-61, ECF Nos. 4, 5; Misc. No. 16-79, ECF Nos. 4, 5). Undeterred, Banks then filed motions to vacate pursuant to Federal Rules of Civil Procedure 59(e) and 60(b), (Misc. No. 16-61, ECF No. 6; Misc. No. 16-79, ECF No. 6) which this court also denied by opinion and order dated March 28, 2016. (Misc. No. 16-61, ECF Nos. 9, 10; Misc. No. 16-79, ECF Nos. 9, 10). In the court's opinion denying the motions to vacate, it indicated that "[f]uture filings in these cases attempting to relitigate these matters will be summarily denied." (Misc. No. 16-61, ECF No. 9 at 5; Misc. No. 16-79, ECF No. 9 at 5). Banks' pending motions are such filings and will be denied in accordance with the court's prior opinion.

An appropriate order follows.

August 22, 2018

By the court:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge

cc:

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