

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

ARTHUR D'AMARIO, III,)
)
)
PLAINTIFF)
)
)
v.)
)
)
MANHATTAN HOUSING)
SPECIALISTS, INC., ET AL.,)
)
)
DEFENDANTS)
)

CIVIL No. 1:12-cv-00779-DBH-MJK

**ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE
AND ORDER ENJOINING THE PLAINTIFF FROM FURTHER FILINGS
WITHOUT PRIOR ORDER OF COURT**

On October 16, 2013, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision. The plaintiff filed an objection to the Recommended Decision on October 29, 2013. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The plaintiff's motion for leave to amend is **DENIED**. The defendant Manhattan Housing Specialist, Inc.'s motion to dismiss is **GRANTED**. The Court *sua sponte* **DISMISSES** any remaining defendants named in the plaintiff's Complaint.

On June 5, 2008, I placed the plaintiff on **NOTICE** that “filing restrictions ‘may be in the offing.’ Cok v. Family Court of Rhode Island, 985 F.3d 32, 35 (1st Cir. 1993). This represent[ed] the ‘cautionary order’ of which Cok speaks. Groundless and inappropriate filings will not be tolerated.” Order on Petitioner’s Mot. for Relief from J. D’Amario v. United States, No. 1:01-cv-00097-DBH (D. R.I.) (ECF No. 61).

The plaintiff’s current lawsuit is frivolous, as the Magistrate Judge has recounted in her Recommended Decision.

I hereby find that Arthur D’Amario, III is a vexatious litigant who has abused his right to access to this Court by continuing to pursue groundless litigation. “A part of the Court’s responsibility is to see that [the Court’s limited] resources are allocated in a way that promotes the interest of justice. The continual processing of petitioner’s frivolous [filings] does not promote that end.” In re McDonald, 489 U.S. 180, 184 (1989). An injunction is therefore appropriate under 28 U.S.C. § 1651(a), which gives courts authority to prohibit the filing of frivolous and vexatious lawsuits. Castro v. United States, 775 F.2d 399, 408 (1st Cir. 1985).

NOW THEREFORE:

Arthur D’Amario, III is **ENJOINED** from making further filings without prior leave of Court. The Clerk of this Court is directed to refuse to receive, file, or docket, without a prior order of this Court, any such paper submitted by or on behalf of Arthur D’Amario, III (other than a timely notice of appeal from this Order to the United States Court of Appeals for the First Circuit).

The United States Marshal is directed to serve an attested copy of this Order upon Arthur D'Amario, III personally immediately.

So ORDERED.

DATED THIS 30TH DAY OF OCTOBER, 2013

/S/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE
DISTRICT OF MAINE