

forma pauperis, together with a certified inmate trust account data sheet, in lieu of payment of the filing fee of \$350.00 .

In a response to this order, filed on November 13, 2012, Long talks about the transfer of his case from the Southern District of Texas to the Eastern District, and states that he wants a writ of mandamus issued against Secret Service Director Mark Sullivan and U.S. Attorney General Eric Holder, apparently to order that the U.S. Marshal to take Long into custody to “protect a government informant.” He asserts that there is a “presidential threat” and that “the sprawling cover-ups are ongoing.” Long did not use a standard Section 1983 lawsuit form as directed, and made no mention of seeking leave to proceed *in forma pauperis*. On November 27, 2012, Long stated that he was withholding consent to proceed before the Magistrate Judge.

After review of the pleadings, the Magistrate Judge issued a Report on January 7, 2013, noting that Long had not complied with the orders to file an amended complaint or an application for leave to proceed *in forma pauperis*. Although Long stated that he was “withholding consent,” the Magistrate Judge determined that Long could not withhold consent for a referral of the case to the Magistrate Judge for pre-trial proceedings under 28 U.S.C. §636(b). Newsome v. EEOC, 301 F.3d 227, 230 (5th Cir. 2002). The Magistrate Judge therefore recommended that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court.

Long filed objections to the Magistrate Judge’s Report on January 30, 2013. In his objections, Long states that he originally filed his lawsuit in the Southern District of Texas and gave notice to the Hon. Sim Lake, United States District Judge, reporting on “United States office of President (Barack Obama) terroristic threat as domestic in origin were in a (successive) as on USPS computer as federal jurisdictional control, not by TDCJ agency claimed mail policies, yet TDCJ mailroom employees with TDCJ Agency ID cards tell plaintiff in I-60 replies all that is required is

to call MSCP¹ on the telephone; as total control over Plaintiff Long's mailings. This is a totally false assertion."

Long goes on to assert that "the National Security Act is for all intents and purposes controlling" and says that at great personal risk to himself, he has reported credible information for the U.S. Attorney General to act upon, against a direct threat to the President posed by "subversive groups." He goes on to state that his mail has been tampered with and that he is claiming "informant's privilege," under which the U.S. Marshal should transport him out of state and place him in "protective status." Although Long continues in that vein for some considerable length, he makes no mention of the Court's orders that he file an amended complaint, nor that he file an application for leave to proceed *in forma pauperis* accompanied by a certified inmate trust account data sheet. His objections are without merit.

Together with his objections, Long filed a "motion to compel." This motion again seeks issuance of a writ of mandamus; he says that he is "owed a duty" by the National Security Administration to investigate and indict persons who are members of domestic terrorist groups reported by a "government informant," presumably meaning himself. He again states that he has written to Eric Holder and contends that TDCJ is bound by federal laws and thus cannot interfere with the contents of his letters. This motion is without merit as well.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the Report of the Magistrate Judge and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (docket no. 9) is hereby ADOPTED as the opinion of the District Court. It is further

¹The MSCP is the mail system coordinators panel, which oversees the TDCJ mailrooms and runs the mail system in the prison.

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So **ORDERED** and **SIGNED** on February 17, 2013.



Ron Clark
United States District Judge