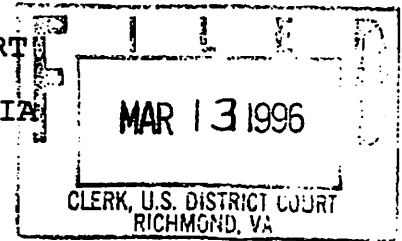


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



IN RE: JOHNATHAN LEE X. SMITH

Civil Action No. 3:96mc06

MEMORANDUM

By Memorandum and Order entered February 15, 1996, Mr. Smith was granted eleven (11) days to file a statement of his reasons why he should not be subject to a special pre-filing review. In response Mr. Smith asserted that he has only sued those individuals who have violated his constitutional rights. Mr. Smith's objections are belied by his history of litigation in this court. See, Memorandum and Order February 15, 1996. His objections will be overruled. The pre-filing review established by the court does not unduly hinder Mr. Smith's access to the courts. The pre-filing review allows the court to determine the propriety of Smith's claims and process them in an expedited manner causing the least burden to the court and other litigants. Graham v. Riddle, 554 F.2d 133 (4th Cir. 1977). The following injunction will issue:

1. All of the actions submitted by Mr. Smith in the future will be numbered consecutively beginning with the first received by the Clerk¹. None such action shall be further processed until Smith v. Hayes, 3:95cv672 has been terminated by order of the court. Every time thereafter that a pending case is dismissed, the Clerk will begin to process the next case, beginning with the earliest submitted. Absent a bona fide emergency, Mr. Smith may not maintain more than one action at

¹Receipt by the clerk of the shall not toll the statute of limitations. A complaint shall not be deemed filed for statute of limitations purposes until it is activated by the court.

a time in this court. If an action is transferred to this court from another United States district court, the transferred action will be dismissed without prejudice if Mr. Smith currently has an action pending. Mr. Smith is free at any time to dismiss a pending complaint to expedite any special claim that he may wish the court to consider. Such dismissal, however, will be with prejudice if a responsive pleading or motion has been filed.

2. In order to monitor Mr. Smith's repetitious and multiplicitous litigation he must attach to each complaint or petition a separate document entitled "motion for leave to file and certificate of compliance," which shall in separately numbered paragraphs:

- i) state plaintiff's name and all other names by which he is known or which he has used;
- ii) identify by style, date filed and current status, all cases filed by him or in which he has been a plaintiff within the one year period preceding the filing of the certificate as well as the court in which the actions were filed;
- iii) certify that the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court and set forth why each claim could not have been raised in one of his previous actions;
- iv) set forth in separate subparagraphs for each of the defendants the facts that plaintiff believes entitle him to relief against the defendant and the basis for his belief that such facts exist. Each subparagraph must, standing alone and without reference to other subparagraphs, exhibits or attachments, establish that the claims against the named defendants are being made in good faith, have a tenable basis in fact and are not frivolous;

- v) contain plaintiff's statement under penalty of perjury that the statements made in the application are true.
3. Mr. Smith's failure to comply strictly to the letter of the order will result in summary denial of the motion. If Mr. Smith misrepresents any facts he may be found in contempt of court and punished accordingly. Additionally or alternatively, the matter may be referred to the United States Attorney for this district for such action as she may deem appropriate.
4. The Clerk will maintain a separate file containing all motions for leave to file made by Mr. Smith. Finally, no amendments will be permitted to any of the unprocessed complaints already or hereafter submitted until they are filed as a civil action.

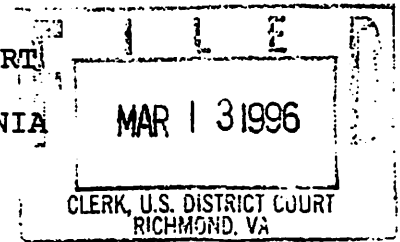
In response to the contemplated injunction Mr. Smith has requested that Smith v. Hayes, 3:95cv672 and Smith v. Stuart, 3:95cv1032 be dismissed without prejudice and that the court continue to process Smith v. Virginia Parole Board et al., 3:96cv02. Since the defendants have not been served, Mr. Smith's request operates to dismiss the action without order of the court. Fed. R. Civ. P. 41(a)(1). However, the court can not continue to process Smith v. Virginia Parole Board et al., 3:96cv02 because the Mr. Smith has an earlier suit pending, Smith v. Metzger, 3:95cv685. The court will process the next case in line, Smith v. Metzger, 3:95cv685.

An appropriate order shall issue.


UNITED STATES DISTRICT JUDGE

Date: MAR 13 1996

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



IN RE: JOHNATHAN LEE X. SMITH

Civil Action Number
3:96mc6

ORDER

In accordance with the accompanying memorandum, it is ORDERED that; Mr. Smith's objections are OVERRULED; Smith v. Hayes, 3:95cv672 and Smith v. Stuart, 3:95cv1032 are dismissed without prejudice; All of Mr. Smith's litigation in the United States District Court for the Eastern District of Virginia is subject to the following restrictions:

1. All of the actions submitted by Mr. Smith in the future will be numbered consecutively beginning with the first received by the Clerk². None such action shall be further processed until Smith v. Metzger, 3:95cv685 has been terminated by order of the court. Every time thereafter that a pending case is dismissed, the Clerk will begin to process the next case, beginning with the earliest submitted. Absent a bona fide emergency, Mr. Smith may not maintain more than one action at a time in this court. If an action is transferred to this court from another United States district court, the transferred action will be dismissed without prejudice if Mr. Smith currently has an action pending. Mr. Smith is free at any time to dismiss a pending complaint to expedite any special claim that he may wish the court to consider. Such dismissal, however, will be with prejudice if a responsive pleading or motion has been filed.

²Receipt by the clerk of the shall not toll the statute of limitations. A complaint shall not be deemed filed for statute of limitations purposes until it is activated by the court.

2. In order to monitor Mr. Smith's repetitious and multiplicitous litigation he must attach to each complaint or petition a separate document entitled "motion for leave to file and certificate of compliance," which shall in separately numbered paragraphs:
 - i) state plaintiff's name and all other names by which he is known or which he has used;
 - ii) identify by style, date filed and current status, all cases filed by him or in which he has been a plaintiff within the one year period preceding the filing of the certificate as well as the court in which the actions were filed;
 - iii) certify that the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court and set forth why each claim could not have been raised in one of his previous actions;
 - iv) set forth in separate subparagraphs for each of the defendants the facts that plaintiff believes entitle him to relief against the defendant and the basis for his belief that such facts exist. Each subparagraph must, standing alone and without reference to other subparagraphs, exhibits or attachments, establish that the claims against the named defendants are being made in good faith, have a tenable basis in fact and are not frivolous;
 - v) contain plaintiff's statement under penalty of perjury that the statements made in the application are true.
3. Mr. Smith's failure to comply strictly to the letter of the order will result in summary denial of the motion. If Mr. Smith misrepresents any facts he may be found in contempt of court and punished accordingly. Additionally or alternatively, the matter may

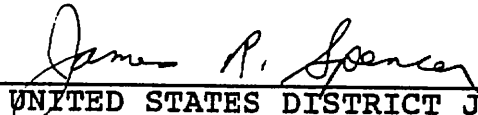
be referred to the United States Attorney for this district for such action as she may deem appropriate.

4. The Clerk will maintain a separate file containing all motions for leave to file made by Mr. Smith. Finally, no amendments will be permitted to any of the unprocessed complaints already or hereafter submitted until they are filed as a civil action.

Should plaintiff desire to appeal, written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof.

Let the Clerk send a copy of the order and accompanying memorandum to Mr. Smith.

And it is so ORDERED.


UNITED STATES DISTRICT JUDGE

Date: MAR 13 1998