

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MAR 27 2008

In re Jonathan Lee Riches,
Plaintiff,

See Attached Appendix
of Case Numbers

ORDER AND PERMANENT INJUNCTION

Plaintiff, an inmate at a federal prison in Salters, South Carolina, now has 271 matters pending before the Court. The case numbers are listed in the attached appendix. As with every other case that Plaintiff has filed in this Court, Plaintiff is not entitled to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g) because of the great many cases he has filed that have been dismissed as frivolous. According to the Eleventh Circuit, "the proper procedure is for the district court to dismiss the complaint without prejudice when it denies the prisoner leave to proceed in forma pauperis pursuant to the three strikes provision of § 1915(g). The prisoner . . . must pay the filing fee at the time he initiates the suit." Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002). Accordingly, all of Plaintiff's currently-pending cases will be dismissed without prejudice.

Additionally, the Clerk has informed this Court that Plaintiff's numerous and repeated filings — all of which are unquestionably frivolous — are substantially and

deleteriously straining the Court's limited resources. In short, something must be done now to curtail this completely unnecessary burden.

Given Plaintiff's litigation history in both this Court and in federal district courts across the nation, a review of which demonstrates that Plaintiff has filed well over one thousand federal lawsuits, this Court now finds that Plaintiff is a vexatious and abusive litigant. When a litigant abuses the right to seek redress, "[f]ederal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions." Procup v. Strickland, 792 F.2d 1069, 1072 (11th Cir. 1986). In devising a means of curbing an abusive litigant, "the only restriction [that the Eleventh] Circuit has placed upon injunctions designed to protect against abusive and vexatious litigation is that a litigant cannot be 'completely foreclosed from *any* access to the court.'" Martin-Trigona v. Shaw, 986 F.2d 1384, 1387 (11th Cir. 1993) (quoting Procup, 792 F.2d at 1074 (emphasis in original)).

Accordingly, Plaintiff is henceforth **PERMANENTLY ENJOINED** from filing or attempting to file any new lawsuit in this Court without first obtaining leave of the Court to do so. Such leave may be obtained only by sending a numbered letter to the Clerk in which Plaintiff provides the following information:

1. The name of the defendant or defendants that Plaintiff intends to sue.

2. For each defendant named, that defendant's domicile.
3. For each defendant whose domicile is outside of this District, a statement explaining why this Court would enjoy personal jurisdiction over that defendant and why venue for Plaintiff's claims is proper in this Court.
4. A statement of facts setting forth with specificity exactly what each defendant has done to cause Plaintiff injury.
5. A statement setting forth the legal theory pursuant to which Plaintiff believes that he is entitled to relief.
6. An affirmation, signed by Plaintiff, which states exactly and in its entirety:

I, Jonathan Lee Riches hereby declare, swear and affirm that the foregoing information is true and correct. I understand that, pursuant to 18 U.S.C. § 1623, "[w]hoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both." I further understand that by making any false statement in this letter, I will be subject to prosecution under 18 U.S.C. § 1623. I further understand that the United States District Court for the Northern District of Georgia will, if it suspects that I have provided false information in this letter, turn this letter over to the appropriate federal authorities for the purpose of investigating whether I should be prosecuted in federal court for perjury under 18 U.S.C. § 1623. I further understand that if I am convicted in

federal court for a violation of 18 U.S.C. § 1623, I face an enhanced sentence because I will have committed my crime while serving a sentence for a violation of federal law, and the federal sentencing guidelines, as a general matter, call for a longer sentence for those who have committed their crimes while serving a sentence of incarceration, probation or parole.


If Plaintiff submits a complaint to this Court without first obtaining leave of this Court to do so, the Clerk is **DIRECTED** to return the complaint to Plaintiff without recording the complaint in the docket of the Court. If Plaintiff sends a letter to the Clerk seeking leave to file a complaint, and the letter does not provide the information and affirmation as described above, the Clerk is **DIRECTED** to return the letter to Plaintiff and no further action need be taken. If Plaintiff sends a letter to the Clerk seeking leave to file a complaint, and the letter complies in all material respects with the instructions above, the Clerk is **DIRECTED** to submit the letter to this Court for a determination of whether Plaintiff is entitled to leave to file his complaint, and such leave will be either summarily granted or summarily denied. This Court will not reconsider the denial of leave to file a complaint.

In conclusion,

IT IS HEREBY ORDERED that all of Plaintiff's pending complaints, the case numbers of which are set forth on the attached appendix, are hereby **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that Plaintiff is henceforth **PERMANENTLY ENJOINED** from filing any further complaints in this Court except as set forth in this Order.

IT IS SO ORDERED, this 25 day of March, 2008.



WILLIS B. HUNT, JR.
UNITED STATES DISTRICT JUDGE

Appendix of Cases

1:08-CV-0498-WBH	1:08-CV-0618-WBH	1:08-CV-0742-WBH
1:08-CV-0499-WBH	1:08-CV-0677-WBH	1:08-CV-0743-WBH
1:08-CV-0500-WBH	1:08-CV-0678-WBH	1:08-CV-0764-WBH
1:08-CV-0501-WBH	1:08-CV-0679-WBH	1:08-CV-0765-WBH
1:08-CV-0502-WBH	1:08-CV-0680-WBH	1:08-CV-0766-WBH
1:08-CV-0503-WBH	1:08-CV-0681-WBH	1:08-CV-0767-WBH
1:08-CV-0504-WBH	1:08-CV-0682-WBH	1:08-CV-0768-WBH
1:08-CV-0505-WBH	1:08-CV-0683-WBH	1:08-CV-0769-WBH
1:08-CV-0506-WBH	1:08-CV-0684-WBH	1:08-CV-0770-WBH
1:08-CV-0507-WBH	1:08-CV-0685-WBH	1:08-CV-0771-WBH
1:08-CV-0508-WBH	1:08-CV-0686-WBH	1:08-CV-0772-WBH
1:08-CV-0509-WBH	1:08-CV-0687-WBH	1:08-CV-0773-WBH
1:08-CV-0539-WBH	1:08-CV-0688-WBH	1:08-CV-0774-WBH
1:08-CV-0540-WBH	1:08-CV-0719-WBH	1:08-CV-0775-WBH
1:08-CV-0541-WBH	1:08-CV-0720-WBH	1:08-CV-0783-WBH
1:08-CV-0542-WBH	1:08-CV-0721-WBH	1:08-CV-0784-WBH
1:08-CV-0543-WBH	1:08-CV-0722-WBH	1:08-CV-0785-WBH
1:08-CV-0544-WBH	1:08-CV-0723-WBH	1:08-CV-0786-WBH
1:08-CV-0559-WBH	1:08-CV-0724-WBH	1:08-CV-0787-WBH
1:08-CV-0560-WBH	1:08-CV-0725-WBH	1:08-CV-0788-WBH
1:08-CV-0561-WBH	1:08-CV-0726-WBH	1:08-CV-0789-WBH
1:08-CV-0562-WBH	1:08-CV-0727-WBH	1:08-CV-0790-WBH
1:08-CV-0563-WBH	1:08-CV-0728-WBH	1:08-CV-0791-WBH
1:08-CV-0564-WBH	1:08-CV-0729-WBH	1:08-CV-0792-WBH
1:08-CV-0607-WBH	1:08-CV-0730-WBH	1:08-CV-0793-WBH
1:08-CV-0608-WBH	1:08-CV-0732-WBH	1:08-CV-0794-WBH
1:08-CV-0609-WBH	1:08-CV-0733-WBH	1:08-CV-0815-WBH
1:08-CV-0610-WBH	1:08-CV-0734-WBH	1:08-CV-0816-WBH
1:08-CV-0611-WBH	1:08-CV-0735-WBH	1:08-CV-0817-WBH
1:08-CV-0612-WBH	1:08-CV-0736-WBH	1:08-CV-0818-WBH
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