

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FT. PIERCE DIVISION
Case No. 01-14078-CIV-GRAHAM/LYNCH

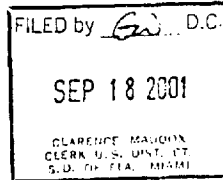
MARCELLUS M. MASON, JR.,

Plaintiff,

vs.

HIGHLANDS COUNTY BOARD OF COUNTY
COMMISSIONERS

Defendant.



ORDER

THIS CAUSE came before the Court upon Plaintiff's Motion to Proceed In Forma Pauperis (D.E. #2), Plaintiff's Motion for a Ruling on His In Forma Pauperis Motion (D.E. #5) and Plaintiff's Second Motion for a Ruling on His In Forma Pauperis Motion (D.E. #7).

THE COURT has considered the Motions and the pertinent portions of the record and is otherwise fully advised in the premises.

Plaintiff has filed twelve (12) cases in this District, all against either the Highlands County Board of County Commissioners, the Highland Library Cooperative and/or various individual defendants. Each case relates to his prior employment at the Highlands County Library and the County's treatment of Plaintiff after his termination. His initial case, 99-14027-CIV-Graham, was dismissed on June 20, 2001.

In each new case filed, Plaintiff attempts to proceed in

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forma pauperis. This Court has consistently denied these motions. The present case is no different.

"The privilege of proceeding in forma pauperis is a matter within the discretion of the trial court. . ." Weller v. Dickson, 314 F.2d 598, 600 (9th Cir. 1963). In ruling on a motion to proceed in forma pauperis, the Court may look to whether the Plaintiff has abused the judicial process through the current and previous filings. See Free v. United States, 879 F.2d 1535, 1536 (7th Cir. 1989). In Free, the plaintiff filed twelve lawsuits in federal court in a two year time period, each seeking relief under the Federal Tort Claims Act. The Seventh Circuit Court of Appeals held:

This is an abuse of judicial process in the classic sense of using the courts to pursue ends other than the vindication of claims believed to be meritorious. Abusers of the judicial process are not entitled to sue and appeal without paying the normal filing fees - indeed, are not entitled to sue and appeal, period. Abuses of process are not merely not to be subsidized; they are to be sanctioned.

Id. Plaintiff in this case, like the plaintiff in Free, has filed numerous cases, each against the same or similar defendants and each relating to similar issues. The Court has already made a determination on Plaintiff's substantive claims, however, Plaintiff is insistent continuing to litigate his cause. This is an abuse of process which the Court refuses to subsidize. Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff's Motion to Proceed In Forma Pauperis is DENIED. It is further,

ORDERED AND ADJUDGED that Plaintiff's Motion for Ruling on His In Forma Pauperis Motion and Plaintiff's Second Motion for a Ruling on His In Forma Pauperis Motion are DENIED as MOOT.

DONE AND ORDERED in Chambers at Miami, Florida, this 18th day of September 2001.



DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge Lynch
Marcellus M. Mason, Jr.
Maria N. Sorolis