

DE 56
6-10-02

**CLOSED
CIVIL
CASE**

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FT. PIERCE DIVISION**

Case No. 02-14049-CIV-MOORE

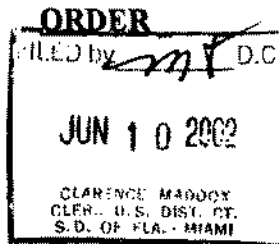
MARCELLUS M. MASON, JR.,

Plaintiff,

vs.

HIGHLANDS COUNTY BOARD OF
COMMISSIONERS, HONORABLE DONALD L.
GRAHAM, HONORABLE FRANK LYNCH JR.,
BRIAN KOJI and MARIA SOROLIS,

Defendants.



THIS CAUSE is before the Court upon Defendants Graham and Lynch's Motion to Dismiss and to Enjoin Plaintiff from Filing Similar Lawsuits (DE#40, 4/12/02) and Defendants Brian Koji and Maria Sorolis' Motion to Dismiss Amended Complaint (DE#3, 2/25/02).

THE MATTER was referred to the Honorable John J. O'Sullivan, United States Magistrate Judge. A Report and Recommendation dated May 13, 2002 has been filed, recommending that the said Motions be GRANTED.

Defendants Graham and Lynch have indicated that they have no objection to the Magistrate's Report and Recommendation. Plaintiff Mason filed his objections to the Report on May 31, 2002.

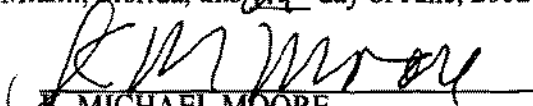
The Court, after reviewing Plaintiff's objections, finds that Plaintiff has not demonstrated that his Complaint is not frivolous. Plaintiff submitted a twenty (20) page response to the Court, stating that (1) the Report and Recommendation is procedurally improper, (2) the Report and Recommendation uses the wrong standard for assessing Plaintiff's Complaint, (3) the Magistrate completely ignored the issues raised in Plaintiff's filings, (4) the Court has allowed Defendants Graham and Lynch to "openly defy the rules of court with impunity," (5) the Report and Recommendation focuses erroneously on Plaintiff's motive, and (6) Plaintiff has never filed a vexatious lawsuit. The Court remains unpersuaded by Plaintiff's arguments after a full review of the record in the above-styled matter. The Court also notes that Plaintiff, while verbose in his complaints about Court procedure, has utterly failed to show that his own Complaint in the above-styled matter is not frivolous and should not be dismissed for a failure to state a claim upon which relief may be granted.

Accordingly, after a *de novo* review of the record herein, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that United States Magistrate Judge O'Sullivan's Report and Recommendation of May 13, 2002 (DE#52) be, and the same is, hereby ADOPTED in its entirety. It is further ORDERED, and based thereon, that this case is DISMISSED WITH PREJUDICE, and accordingly, the Clerk of the Court is directed to mark

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this case as CLOSED. All pending motions not otherwise ruled upon are DENIED AS MOO

DONE AND ORDERED in Chambers at Miami, Florida, this 6th day of June, 2002



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

copies provided:

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Brian William Koji, Esq.

United States Magistrate Judge John J. O'Sullivan