

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

MAR 06 2002

THOMAS K. KAHN  
CLERK

No. 01-13664-AA

MARCELLUS M. MASON, JR.,

Plaintiff-Appellant,

versus

HEARTLAND LIBRARY COOPERATIVE,  
HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS,  
ET AL.,

Defendants-Appellees.

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On Appeal from the United States District Court for the  
Southern District of Florida  
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O R D E R:

Appellees' motion to strike a portion of Appellant's "notice of filing Judge Graham's response to Plaintiff's Rule 60(b) motion in the District Court," is GRANTED. On its own motion, the Court STRIKES the notice in its entirety as the matters contained in that notice are not within the scope of this appeal.

Appellees' motion to strike Appellant's initial brief is GRANTED IN PART and DENIED IN PART. To the extent that Appellees seek to strike Appellant's discussion of "non-final orders," the motion is DENIED IN PART. See Kirkland v. National Mortgage Network, Inc., 884 F.2d 1367 (11th Cir. 1989); Barfield v. Brierton, 883 F.2d 923, 930-31 (11th Cir. 1989). To the extent

that Appellees seek to strike Appellant's brief due to his attempts to incorporate by reference the arguments he raised in pleadings filed in the District Court, and due to Appellant's arguments regarding an order not within the scope of this appeal contained at pages 31-33 of Appellant's brief, this motion is GRANTED IN PART. See e.g. Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993).

The Court also notes that, in its February 27, 2002, Order, it denied Appellant's motion to incorporate the filings from his mandamus petition, No. 01-15754. Consequently, due to Appellant's incorporation by reference to pleadings he filed in the District Court and in No. 01-15754, and due to Appellant's inclusion of argument as to an issue not within the scope of this appeal, the Clerk is directed to strike Appellant's brief in its entirety.

Appellant is DIRECTED to file a corrected brief, which complies with the provisions of this Order and the Court's February 27, 2002, Order, and contains no more than 14,000 words within fourteen (14) days of the date of this Order. No request for excess pages or extra words will be considered by the Court.



UNITED STATES CIRCUIT JUDGE