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Case # 02-14020-CR  
Judge KMM Mag Lynch  
Motn lfp — Fee pd \$ —  
Receipt # —

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FT. PIERCE DIVISION

**02-14020**

**CR-MOORE**

Case Nos. 99-14027-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.,

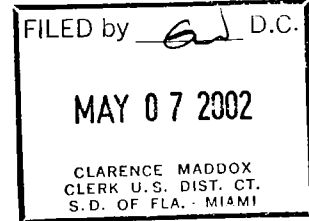
MAGISTRATE JUDGE  
LYNCH

Plaintiff,

v.

HEARTLAND LIBRARY COOPERATIVE,  
HIGHLANDS COUNTY BOARD OF COUNTY  
COMMISSIONERS, et. al.,

Defendants.



ORDER

THIS CAUSE came before the Court sua sponte.

THE COURT having considered the record, the various pleadings and being otherwise fully advised in the premises, it is,

ORDERED AND ADJUDGED that the undersigned district judge, to whom the above-styled case has been assigned, hereby recuses himself for contempt proceedings only and refers the case to the Clerk of Court for reassignment for contempt proceedings only pursuant to 28 U.S.C. § 455 and Local Rule 3.6

DONE AND ORDERED in Chambers at Miami, Florida, this 6<sup>th</sup> day of May 2002.

DONALD L. GRAHAM  
UNITED STATES DISTRICT JUDGE

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

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FT. PIERCE DIVISION

02-14020

CR-MOORE

MAGISTRATE JUDGE  
LYNCH

Case Nos. 99-14027-CIV-GRAHAM/LYNCH ✓  
99-14042-CIV-GRAHAM/LYNCH  
99-14257-CIV-GRAHAM/LYNCH  
99-14314-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.,

Plaintiff,

v.

HEARTLAND LIBRARY COOPERATIVE,  
HIGHLANDS COUNTY BOARD OF COUNTY  
COMMISSIONERS, et. al.,

Defendants.

FILED by GW D.C.  
MAR 22 2002  
CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. MIAMI

Case No. 00-14116-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.,

Plaintiff,

v.

DAVID FLOWERS,

Defendant.

Case No. 00-14201-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.,

Plaintiff,

v.

HIGHLAND COUNTY BOARD OF  
COUNTY COMMISSIONERS

Defendant.

ATTACHMENT / EXHIBIT A

W

Case No. 00-14202-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.,

Plaintiff,

v.

HEARTLAND LIBRARY COOPERATIVE

Defendant.

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Case No. 01-14074-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.,

Plaintiff,

v.

HIGHLAND COUNTY BOARD OF  
COUNTY COMMISSIONERS and  
HEARTLAND LIBRARY COOPERATIVE,

Defendants.

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Case No. 01-14078-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.,

Plaintiff,

v.

HIGHLAND COUNTY BOARD OF  
COUNTY COMMISSIONERS

Defendant.

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Case No. 01-14230-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.,

Plaintiff,

v.

HIGHLANDS COUNTY BOARD OF  
COMMISSIONERS, et. al.,

Defendants.

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Case No. 01-14240-CIV-GRAHAM/LYNCH

HEARTLAND LIBRARY COOPERATIVE,  
HIGHLANDS COUNTY BOARD OF COUNTY  
COMMISSIONERS, et. al.,

Plaintiffs,

vs.

MARCELLUS M. MASON, JR.,

Defendant.

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Case No. 01-14310-CIV-GRAHAM/LYNCH

MARCELLUS M. MASON, JR.

Plaintiff,

v.

HIGHLANDS COUNTY BOARD OF  
COMMISSIONERS, et. al.,

Defendants.

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ORDER TO SHOW CAUSE

THIS CAUSE came before the Court sua sponte.

THE COURT has considered the record in the above captioned cases, the various pleadings and is otherwise fully advised in the premises.

ESSENTIAL FACTS RELATING TO CRIMINAL CONTEMPT

Plaintiff Marcellus M. Mason ("Mason") has filed numerous cases in this District and in Florida State Court<sup>1</sup> all against either the Highlands County Board of County Commissioners, the Highland Library Cooperative and/or various board members or employees of the County and Library. (collectively the "Defendants"). Each case relates to his prior employment by Defendants and Defendants' treatment of Mason after his termination.

After vexatious and relentless litigation on the part of Mason in his original action, Case Number 99-14027-CIV-GRAHAM/LYNCH, the Court enjoined Mason from any further contact with the Defendants or Defendants' employees. Mason, however, ignored the Court's order and continued to contact the Defendants. In his various e-mails to the Defendants, Mason stated: 1) "Anybody who supports your position on this matter is a racist and is part of the problem. I fear no man!!! This includes white men wearing robes."; 2) "You don't have

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<sup>1</sup> Defendants have removed all actions filed against them in Florida State Court to this Court.

enough insurance and smart lawyers to outrun the law and defeat me.”; 3) “I ain’t going to have a handfule of white bigots run over me.”; 4) “Now go call your daddy in Fort Pierce and see if he can get you out of this mess.”; 5) “. . .the hell I would give them, hell like you are getting . . . I ain’t going to be bully by no racist whie man.” (Case Number 99-14027, D.E. #646).

On June 20, 2001, in view of Mason’s repeated refusal to comply with the Court’s rules and orders, the Court dismissed case number 99-14027. This dismissal, however, had no effect on Mason. He continued to file new cases and pleadings all relating to the same issues that had been dismissed.

The Court, upon a review of the record in the previously filed cases, found that Mason was proceeding in bad faith. Accordingly, on September 20, 2001, the Court issued its Omnibus Order prohibiting Mason from filing new complaints or pleadings relating in any way Mason’s former employment and/or subsequent interactions with Defendants without first receiving permission from the Court.

In both letters to the Court and pleadings, Mason has repeatedly used abusive and derogatory language with respect to the Court. Listed below are just a few of his improper remarks.

- On or about October 22, 2001, Mason sent a copy of his Second Notice of Supplemental Authority, filed with the Eleventh Circuit, directly to chambers. Hand written on the top of the motion was “[f]or Graham’s Silly Ass, personally, or Uncle

Tom.”

- On or about October 23, 2001, Mason sent a copy of his Emergency Motion for Stay Pending Review, filed with the Eleventh Circuit, directly to chambers. Hand written on the top of the motion was “[f]or Graham’s Silly Ass, personally, or Uncle Tom.”
- On or about November 1, 2001, Mason sent a letter directly to chambers. In this letter he wrote: “I came to your ‘Court’ or now joke, looking for justice . . . .”
- On or about November 28, 2001, Mason sent a letter directly to chambers. In this letter he wrote: “I ain’t going to be bullied by a so-called federal judge or anybody else for that matter. . . . When you wrote your joke of an “order” . . . . Its up to you, Donny Boy . . . . I aint going to “punked” or bullied by anybody . . . . I am going to teach you that the better policy is to do your damn job and not try to use your office as a bully pulpit. You aint my daddy and you don’t tell me what to do or how to behave. You have been a discredit to honest people and the federal judiciary.”
- On or about December 18, 2001, Mason sent a letter directly to chambers. In this letter he wrote: “[j]udge’s with egos and thin skins have no right to be in the justice business.”
- On or about January 12, 2001, Mason sent a letter directly to chambers. In this letter he wrote: “Graham, you mistreated me

and dismissed my constitutional rights because you want to sit on your ass and collect a six figure salary and not do your job."

- On or about January 28, 2002, Mason sent a letter directly to chambers. In this letter he wrote: "I don't trust or respect you, Mr. Graham. I assume that you are always trying to be slick. You have richly earned my distrust, disrespect, contempt and disdain. . . Graham, you picked the wrong nigga to jerk around and fight with . . ."

On January 25, 2002, the Court noticed a hearing on the conduct of the parties throughout the aforementioned litigation. The hearing was set for February 4, 2002. Mason failed to attend the hearing. On February 4, 2002, the Court issued an omnibus order detailing Mason's contemptuous behavior and putting Mason on notice of possible contempt proceedings.

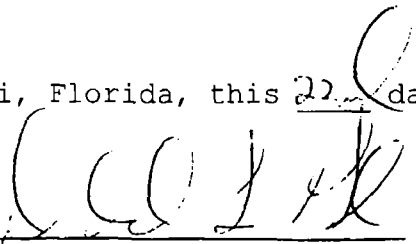
Based on the foregoing record, it is

**ORDERED AND ADJUDGED** that pursuant to 18 U.S.C. § 401 and Federal Rule of Criminal Procedure 42(b), Mr. Mason is directed to show cause why he should not be held in criminal contempt of this court. It is further,

**ORDERED AND ADJUDGED** that this matter is hereby set for a status before Magistrate Judge Lynch, at the United States Courthouse, Courtroom 106, 300 South Sixth Street, Fort Pierce, Florida on Monday, April 8, 2002 at 9:30 p.m. Thirty minutes have

been set aside for this matter. Mr. Mason is advised that failure to attend this hearing could result in the issuance of a warrant for his arrest.

DONE AND ORDERED in Chambers at Miami, Florida, this 22<sup>nd</sup> day of March 2002.



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DONALD L. GRAHAM  
UNITED STATES DISTRICT JUDGE

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