

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CHUKWUMA AZUBUKO,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	5:04-CV-95 (CAR)
	:	
MASSACHUSETTS' SUFFOLK COUNTY SHERIFF,	:	
	:	
Defendant.	:	

ORDER ON PLAINTIFF'S MOTION FOR NEW TRIAL

This case is presently before the Court on Plaintiff's Motion for a New Trial [Doc. 13]. Such motions are governed by Federal Rule of Civil Procedure 59 which states, in pertinent part, that "[a]ny motion for a new trial shall be filed no later than 10 days after entry of the judgment." Judgment was entered in this case on April 20, 2004, so Plaintiff's motion is over a year late. It is **DENIED** as **MOOT**.

On September 8, 2004, the Court entered an Order finding Plaintiff **CHUKWUMA E. AZUBUKO** in contempt of Court for failure to appear and ordering sanctions against Plaintiff. In its Order, the Court found that Plaintiff repeated violated Federal Rule of Civil Procedure 11 by his conduct described in the Court's July 16, 2004 Order. Plaintiff has persistently violated the rules of this Court by continuing to file lawsuits and motions in which he has no rational basis for venue and perhaps jurisdiction after receiving repeated and explicit instructions from the Court on why these lawsuits and motions are improper.

The Court notes that sanctions imposed under Rule 11 shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Accordingly, the Court enjoined Plaintiff from filing a lawsuit in this Court unless certain conditions were met. The Court now extends its sanctions to prohibit Plaintiff from filing any more motions or any documents in any case Plaintiff has previously filed with the Court. Accordingly, the Court hereby **ENJOINS** Plaintiff from filing any motion, document, letter, request for relief, or any other form of communication (hereafter “motion”) with this Court unless the following conditions are met:

1. A signed affidavit shall accompany his motion in which Plaintiff swears that he has read Federal Rule of Civil Procedure 11 and that he will abide by the tenets listed therein.
2. A photocopy of this Order shall be attached to his motion.

The Clerk is **DIRECTED** to return any motion from Plaintiff not in compliance with this Order. If Plaintiff has complied with the two items above, the Clerk is **DIRECTED** to submit the motion, prior to filing, to Judge Royal to whom the case will be assigned. Judge Royal, or a magistrate judge, will conduct a frivolity review, just as if the case were filed under 28 U.S.C. § 1915. If the judicial officer determines that the motion is not frivolous, malicious, or intended to harass, and the motion does not fail to state a claim upon which relief can be granted, or seek monetary relief against a defendant who is immune from such relief, then the judicial officer will allow the motion to be filed

and service to issue against the named defendants. Otherwise, the motion will not be filed with the Court and will be returned to Plaintiff.¹

SO ORDERED, this 31st day of May, 2005.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

LTH/jec

¹The Court's sanction is modeled after the injunction imposed in Washington v. A.A. Alaimo, et al., 934 F. Supp 1395, 1400-1401 (S.D. Ga. 1996).