

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

RANDALL B. HOFLAND, )  
 )  
 Plaintiff )  
 )  
 v. ) 1:12-mc-00092-MJK  
 )  
 JOSEPH PONTE, et al., )  
 )  
 Defendants )

**ORDER**

Randall B. Hofland has submitted documents to this Court requesting a court appointed attorney and apparently seeking to open a new civil case, without paying the filing fee or submitting a motion to proceed *in forma pauperis*. I have reviewed his submissions. Any documents filed by Hofland in this Court are subject to the following filing restriction:

Except for filings, if any, challenging this Order, the Court prohibits any further filings by Randall B. Hofland without prior permission from this Court. If Mr. Hofland wishes to file any other pleadings in this Court, including new lawsuits, he must file a motion for leave to file the specific pleading. In the motion for leave, Mr. Hofland must explain the type of pleading he seeks to file, he must attach the proposed pleading to the motion, and the motion for leave to file must not exceed three pages. A judge shall review the proposed pleading and the motion for leave to file and will determine whether such a pleading shall be allowed. In the absence of a court order allowing a pleading, the Court directs the Clerk not to accept Mr. Hofland's filings and to instead return them to him immediately. See Chadbrown v. Coles, Nos. 2:11-cv-00145-GZS, 2:11-cv-00219-GZS, 2011 U.S. Dist. LEXIS 127913, 3-4 (D. Me. Nov. 2, 2011).

Hofland v. LaHaye, 1:09-cv-00172-JAW, ECF No. 103, entered January 18, 2012, Woodcock, C.J.

Hofland's submission does not comply with this Order as it is not accompanied by the requisite motion. The clerk is directed to return the original submission to Hofland and to enter this Order on the docket in the miscellaneous matter. When, and if, Hofland resubmits his

pleading, his motion should address the issue of whether or not Hofland is still eligible to file pleadings in this Court *in forma pauperis* in light of the language found in 28 U.S.C. § 1915(g) regarding 3 or more prior actions or appeals found to be frivolous. In the event Hofland does believe he is entitled to proceed without paying the fee, he should submit the necessary motion and documentation to proceed *in forma pauperis* with his motion and proposed complaint. If Hofland hopes to obtain leave to proceed from me, he will be required to comply with all pre-existing Orders pertinent to his litigation and the requisite statutory provisions regarding *in forma pauperis* status. Even if Hofland were to pay the filing fee, his “complaint” would still be subject to the filing restriction regarding the accompanying motion and review by a judicial officer. Appointment of counsel in these civil proceedings is not an available option for Hofland and that request is denied as is his request to proceed *in forma pauperis* without supporting documentation.

CERTIFICATE

Any objections to this Order shall be filed in accordance with Federal Rule of Civil Procedure 72.

***So Ordered.***

Dated: May 9, 2012

/s/ Margaret J. Kravchuk  
U.S. Magistrate Judge

HOFLAND v. PONTE et al

Assigned to: MAGISTRATE JUDGE MARGARET J.      Date Filed: 05/04/2012  
KRAVCHUK

**Plaintiff**

**RANDALL B HOFLAND**

represented by **RANDALL B HOFLAND**  
116217  
MAINE STATE PRISON  
807 CUSHING RD  
WARREN, ME 04864  
PRO SE

V.

**Defendant**

**JOSEPH PONTE**

*Commissioner, Maine Department of  
Corrections*

**Defendant**

**PATRICIA BARNHART**

*Warden, Maine State Prison*