

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RE RESTRICTED FILING STATUS
RE DARRYL ROBINSON, MDOC # 172898

Administrative Order
No. 18-MS-086

BACKGROUND

Case No. 1:08-CV-353, *Robinson v. Mawer*

The Clerk of Court recently received a submission from Darryl Robinson, MDOC # 172898. A copy of the submission is attached as Exhibit A. The first page of the submission purports to be a Notice of Appeal in Case No. 1:08-CV-353, a prisoner civil rights case originally dismissed over eight years ago, on June 11, 2008. Since that time, Mr. Robinson has filed seven previous appeals in the case, each without success. An eighth appeal is currently pending. This new one would be the ninth.

On January 12, 2017, the Court of Appeals not only dismissed an earlier appeal, but also imposed sanctions designed to deter future filings. The new submission is Mr. Robinson's fourth purported Notice of Appeal in the case since the sanctions Order. This new Notice of Appeal not only runs afoul of the sanctions Order, it is also eight years late and facially deficient for failing to name the particular Court of Appeals to which Mr. Robinson is appealing, or the particular Order or Judgment being appealed. But none of this has relieved the administrative burden of either this Court or the Court of Appeals.

PATTERN OF ABUSIVE FILINGS

The latest submission follows a well-established pattern of abusive filings by Mr. Robinson that needlessly consume the resources of both the District Court and the Court of Appeals. The most recent submission (Exhibit A) includes not just the page-one purported Notice of Appeal in Case No. 1:08-CV-353, but also 72 additional pages, each purporting to be a Notice of Appeal in some other long-closed case originally filed by Mr. Robinson. Moreover, because Mr. Robinson is serving a life sentence imposed by the State of Michigan, the prospect for ongoing abusive filings is high.

Mr. Robinson has filed a total of 80 civil cases in the Western District of Michigan from 1989 through 2017. (See Exhibit B) None are currently open. Most close quickly because Mr. Robinson is unable to cure deficiencies or survive screening. In fact, he already has 50 cases on the “Three Strikes” list (Exhibit C), making him generally ineligible to file new Prisoner Civil Rights cases without paying the full filing fee.

The statutory “Three Strikes” process protects both the administrative resources of the Court and Mr. Robinson’s First Amendment rights with respect to new cases. But it does not help on the pattern of abusive Notices of Appeal. In addition to the newly submitted purported Notices of Appeal in 73 separate cases (the Exhibit A submission, with the list of cases summarized at Exhibit D), Mr. Robinson has filed 134 other purported Notices of Appeal—a total of 207 such filings, each requiring significant administrative time and postal expenses by both the District Court and the Court of Appeals.

The purpose of this Administrative Order is to provide a method for the Court to defend its administrative resources against abusive purported Notices of Appeal without impairing Mr. Robinson’s First Amendment rights to seek relief in appropriate ways.

RESTRICTED FILING ORDER

The Court of Appeals has repeatedly tried to curb the abusive filings, albeit without success. (Exhibit E) This Court has been cautious to reject only those past Notices of Appeal that are facially deficient. (Exhibit F) Because the most recent submission of 73 new purported Notices includes facial deficiencies, the Court could simply reject this batch of notices. However, in light of the abusive history detailed here, the inability of prior sanctions to curb the abuse, and prospect of ongoing abuse, the Court must do more than simply reject the most recent submission of 73 purported Notices of Appeal.

Accordingly, the Court issues this standing Administrative Order directing the Clerk of Court to reject any future submission of any kind, including without limitation any purported Notice of Appeal, from Mr. Robinson in any of the 80 civil cases previously filed in and dismissed by this Court. The list of affected case is collected at Exhibit B. As that list notes, the most recent of these cases was closed March 20, 2018 (Case No. 2:17-CV-146), and the Court of Appeals has already dismissed Mr. Robinson's appeal in that case.

IT IS SO ORDERED.

Dated: October 9, 2018



ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE

EXHIBIT A

Notice of Appeal

Robinson v Mawer et al

108-cr-00353

ESS
+HUB

James Henry Robinson

RECEIVED

~~FILED~~ - MQ

September 25, 2018 11:10 AM

Thomas L. Dorwin, CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mlc/ Scanned by

APPEAL,CASEREFERRED,CLOSED

United States District Court
Western District of Michigan (Southern Division (1))
CIVIL DOCKET FOR CASE #: 1:08-cv-00353-RJJ-HWB
Internal Use Only

Robinson #172898 v. Mawer et al
Assigned to: Chief Judge Robert J. Jonker
Referred to: Magistrate Judge Hugh W. Brenneman, Jr
Case in other court: the Sixth Circuit, 09-01130
the Sixth Circuit, 10-01692
the Sixth Circuit, 15-02544
the Sixth Circuit, 16-01428
the Sixth Circuit, 16-02699
the Sixth Circuit, 18-01186
the Sixth Circuit, 18-01453
the Sixth Circuit, 18-01953

Date Filed: 04/17/2008
Date Terminated: 06/11/2008
Jury Demand: None
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Cause: 42:1983 Prisoner Civil Rights

plaintiff

Darryl A. Robinson #172898

represented by **Darryl A. Robinson #172898**
Saginaw (MSP)
Saginaw Correctional Facility
9625 Pierce Rd.
Freeland, MI 48623
PRO SE

V.

defendant

Unknown Mawer
Regular Unit Officer

defendant

Unknown Lahr

defendant

George Walker Bush
The President of the United States

defendant

Willie O. Smith
Warden

Date Filed	#	Docket Text
08/23/2018	37	LETTER FROM CCA regarding appeal 36 indicating case number 18-1953 has been assigned to appeal (pjw) (Entered: 08/23/2018)
08/23/2018		CASE NUMBER 18-1953 assigned by the Sixth Circuit to appeal 36 (mkc) (Entered: 08/23/2018)
08/17/2018		Copy of Notice of Appeal 36 with docket sheet sent via U.S. Mail to Darryl A. Robinson (mlc) (Entered: 08/17/2018)
08/14/2018		CHANGE OF ADDRESS for plaintiff Darryl A. Robinson #172898 to Saginaw Correctional Facility as taken from 36 and the MDOC Website (mlc) (Entered: 08/17/2018)
08/14/2018	36	NOTICE OF APPEAL re 6 by plaintiff Darryl A. Robinson #172898 (mlc) (Entered: 08/17/2018)
05/24/2018	35	ORDER of USCA (certified copy) re appeal 32 <i>dismissing the appeal for want of prosecution</i> ; no mandate to issue (pjw) (Entered: 05/24/2018)
05/02/2018	34	ORDER of USCA (certified copy) re appeal 29 <i>dismissing Robinson's appeal for lack of jurisdiction</i> ; no mandate to issue (pjw) (Entered: 05/04/2018)
04/20/2018	33	LETTER FROM CCA regarding appeal 32 indicating case number 18-1453 has been assigned to the appeal (pjw) (Entered: 04/20/2018)
04/18/2018		Copy of Notice of Appeal 32 , along with court docket sheet, sent via U.S. Mail to Darryl A. Robinson #172898 (pjw) (Entered: 04/18/2018)
04/17/2018	32	NOTICE OF APPEAL re 6 by plaintiff Darryl A. Robinson #172898 (pjw) (Entered: 04/18/2018)
03/26/2018	31	LETTER from plaintiff Darryl A. Robinson #172898 requesting docket sheet; <i>court docket sheet, a listing of filed cases for this party, along with 3 each of the other requested forms, mailed on 3/28/2018</i> (pjw) Modified text on 3/28/2018 (pjw). (Entered: 03/28/2018)
02/22/2018	30	LETTER FROM CCA regarding appeal 29 indicating case number 18-1186 has been assigned (pjw) (Entered: 02/22/2018)
02/22/2018		CASE NUMBER 18-1186 assigned by the Sixth Circuit to appeal 29 (mkc) (Entered: 02/22/2018)
02/16/2018		Copy of Notice of Appeal 29 sent via U.S. Mail to Darryl A. Robinson with a docket sheet (slk) Modified filing date on 2/16/2018 (slk). (Entered: 02/16/2018)
02/15/2018	29	NOTICE OF APPEAL re 6 by plaintiff Darryl A. Robinson #172898 (slk) (Entered: 02/16/2018)
01/12/2017	28	ORDER of USCA (certified copy) re appeal 27 <i>Dismissed for lack of jurisdiction for a late notice of appeal. It is further ordered that sanctions be imposed against Robinson. Robinson is denied leave to proceed in forma pauper on appeal in any</i>

		<i>future appeal he may file in this case. If he chooses to file a subsequent notice of appeal in this case, he must pay the appellate filing fee in full prior to the appeal being permitted to proceed in this court. Failure to pay the required appellate filing fee will result in dismissal of the appeal ; no mandate to issue (clw) (Entered: 01/13/2017)</i>
12/08/2016		CASE NUMBER 16-2699 assigned by the Sixth Circuit to appeal 27 (mkc) (Entered: 12/08/2016)
12/05/2016		Copy of Notice of Appeal 27 with docket sheet sent via U.S. Mail to Darryl A. Robinson (mlc) (Entered: 12/05/2016)
12/05/2016	27	NOTICE OF APPEAL re 6 by plaintiff Darryl A. Robinson #172898 (mlc) (Entered: 12/05/2016)
06/14/2016	26	ORDER of USCA (certified copy) re appeal 25 <i>dismissing appeal 16-1428, as it appears to be a duplicate of appeal 09-1130 ; no mandate to issue (pjw) (Entered: 06/15/2016)</i>
04/06/2016		CASE NUMBER 4/6/16 assigned by 16-1428 to appeal 25 (mkc) (Entered: 04/20/2016)
04/04/2016		Copy of Notice of Appeal 25 sent via U.S. Mail to Darryl A. Robinson #172898, along with court docket sheet (pjw) (Entered: 04/04/2016)
04/01/2016	25	NOTICE OF APPEAL re 6 by plaintiff Darryl A. Robinson #172898 (pjw) (Entered: 04/04/2016)
01/22/2016	24	ORDER of USCA (certified copy) re appeal 23 <i>dismissing the appeal; the exception authorized in Rule 4 does not apply in this case ; no mandate to issue (pjw) (Entered: 01/25/2016)</i>
12/15/2015		CASE NUMBER 15-2544 assigned by the Sixth Circuit to appeal 23 (mkc) (Entered: 12/23/2015)
12/09/2015		Copy of Notice of Appeal 23 with docket sheet sent via U.S. Mail to Darryl A. Robinson (mlc) (Entered: 12/09/2015)
12/09/2015	23	NOTICE OF APPEAL re 6 by plaintiff Darryl A. Robinson #172898 (mlc) (Entered: 12/09/2015)
11/19/2015	22	LETTER from plaintiff Darryl A. Robinson #172898 requesting docket sheet; (Attachments: # 1 Response from Clerk) (jlg) (Entered: 11/20/2015)
10/09/2015	21	LETTER from plaintiff requesting Notice of Appeal forms; sent Notice of Appeal forms to plaintiff (cep) (Entered: 10/09/2015)
07/24/2015	20	LETTER from Darryl A. Robinson requesting forms and docket sheets; forms and docket sheets mailed to plaintiff (Attachments: # 1 Response from Clerk) (clp) (Entered: 07/27/2015)
07/06/2015	19	LETTER from plaintiff Darryl A. Robinson #172898 regarding Appeal Forms and Docket Sheet (mailed docket sheet with forms to plaintiff due to address change) (Attachments: # 1 Response from Clerk Memo) (mlc) (Entered: 07/07/2015)

05/08/2015	18	LETTER from plaintiff Darryl A. Robinson #172898 requesting docket sheet; (<i>docket sheet previously mailed</i>) (Attachments: # 1 Response from Clerk Memo) (slk) (Entered: 05/08/2015)
04/20/2015		CHANGE OF ADDRESS for plaintiff Darryl A. Robinson #172898 to Maxey/Woodland CF as taken from 17 and the MDOC Website (mlc) Modified text on 4/21/2015 (mlc). (Entered: 04/21/2015)
04/20/2015	17	LETTER from plaintiff Darryl A. Robinson #172898 requesting docket sheet <i>and forms (sent docket sheet with forms to plaintiff)</i> (Attachments: # 1 Response from Clerk Memo) (mlc) Modified text on 4/21/2015 (mlc). (Entered: 04/21/2015)
12/30/2010	16	LETTER from plaintiff Darryl A. Robinson #172898 requesting docket sheet; <i>docket sheet mailed 12/30/10</i> (mrs) (Entered: 12/30/2010)
11/10/2010	15	ORDER of USCA re appeal 11 <i>that the appeal No. 10-1692 is dismissed</i> ; no mandate to issue (mrs) (Entered: 11/10/2010)
06/04/2010		Copy of Order Denying IFP on Appeal (Three Strikes) - Prisoner 14 sent via U.S. Mail to Darryl A. Robinson #172898 (mrs) (Entered: 06/04/2010)
06/03/2010	14	ORDER DENYING IFP: plaintiff to pay the entire appeal fee of \$455.00 within 28 days or the appeal may be dismissed by the Sixth Circuit Court of Appeals; signed by Judge Robert J. Jonker (Judge Robert J. Jonker, ymc) (Entered: 06/03/2010)
06/02/2010		(Court only) ***Pro Se Department has processed the appeal matter; draft Order denying IFP on appeal sent to Judge Jonker (rmw) (Entered: 06/02/2010)
06/01/2010		CASE NUMBER 10-1692 assigned by the Sixth Circuit to appeal 11 (elc) (Entered: 06/01/2010)
05/26/2010	13	LETTER from Darryl Robinson asking for appeal forms for several cases. 17 appeal forms sent (cam) (Entered: 05/26/2010)
05/24/2010		Copy of Notice of Appeal (originally filed with USCA) 11 with a copy of the docket sheet sent via U.S. Mail to Darryl A. Robinson #172898 (mrs) (Entered: 05/24/2010)
05/24/2010		(Court only) ***Notify Pro Se Department of possible action needed regarding appeal; ifp on appeal, financial included in document 12 (pro se dept. prepared the previous order in 2009)(mrs) (Entered: 05/24/2010)
05/17/2010	12	MOTION for leave to appeal in forma pauperis by plaintiff Darryl A. Robinson #172898; (mrs) (Entered: 05/24/2010)
05/17/2010	11	NOTICE OF APPEAL re 6 by plaintiff Darryl A. Robinson #172898 that was originally submitted to USCA; per the attached, it is deemed filed with the District Court as of the date it was received by USCA (Attachments: # 1 Attachment - Letter from the Court of Appeals)(mrs) (Entered: 05/24/2010)
05/12/2009		(Court only) ***Appeal 8 terminated (mrs) (Entered: 05/12/2009)
05/12/2009	10	ORDER of USCA re appeal 8 - <i>that the appeal is dismissed; no mandate to issue</i> (mrs) (Entered: 05/12/2009)

02/11/2009		Copy of Order Denying IFP on Appeal (Three Strikes) - Prisoner 9 sent via U.S. Mail to James Dixon #235456 (mrs) (Entered: 02/11/2009)
02/10/2009	9	ORDER DENYING IFP: plaintiff to pay the entire appeal fee of \$455.00 within 30 days or the appeal may be dismissed by the Sixth Circuit Court of Appeals; signed by Judge Robert J. Jonker (Judge Robert J. Jonker, ymc) (Entered: 02/10/2009)
02/06/2009		(Court only) ***Pro Se Department has processed the appeal matter; draft Order regarding ifp on appeal sent to Judge Jonker(rmw) (Entered: 02/06/2009)
02/03/2009		CASE NUMBER 09-1130 assigned by the Sixth Circuit to appeal 8 (elc) (Entered: 02/11/2009)
02/02/2009		(Court only) ***Notify Pro Se Department of possible action needed regarding appeal; ifp deficiency (mrs) Modified text on 2/2/2009 (mrs). (Entered: 02/02/2009)
02/02/2009		Copy of Notice of Appeal (originally filed with USCA) 8 with a copy of the docket sheet sent via U.S. Mail to Darryl Robinson (mrs) (Entered: 02/02/2009)
01/14/2009	8	NOTICE OF APPEAL re 6 by plaintiff Darryl A. Robinson #172898 that was originally submitted to USCA; per the attached, it is deemed filed with the District Court as of the date it was received by USCA (Attachments: # 1 Letter from the Court of Appeals)(mrs) (Entered: 02/02/2009)
07/07/2008	7	RESPONSE TO 6 <i>Order Dismissing Case</i> filed by plaintiff Darryl A. Robinson #172898 (mrs) (Entered: 07/08/2008)
06/11/2008		(Court only) ***CIVIL CASE TERMINATED (mrs) (Entered: 06/11/2008)
06/11/2008		Certified Copy of Order Dismissing Case (no motion) 6 sent via U.S. Mail to Darryl Robinson (mrs) (Entered: 06/11/2008)
06/11/2008	6	ORDER DISMISSING CASE: failure to pay filing fee; the agency having custody of Plaintiff shall collect the \$350.00 civil action filing fee and remit the funds to the Clerk of this Court; the Court discerns no good-faith basis for appeal; signed by Judge Robert J. Jonker (Judge Robert J. Jonker, ymc) (Entered: 06/11/2008)
05/29/2008		(Court only) ***Pro Se Staff notes: draft Order of Dismissal sent to Magistrate Judge Brenneman, ***Clear 3XFEEDUE Flag(cmi) (Entered: 05/29/2008)
05/27/2008	5	RESPONSE TO 4 , 3 <i>order and opinion</i> filed by plaintiff Darryl A. Robinson #172898 (mrs) (Entered: 05/27/2008)
05/05/2008		Copy of Opinion 3 , Order Denying IFP (Three Strikes) - Prisoner 4 sent via U.S. Mail to Darryl Robinson (mrs) (Entered: 05/05/2008)
05/02/2008	4	ORDER DENYING IFP UNDER THREE STRIKES RULE: plaintiff to pay the entire fee of \$350.00 within 30 days or the case will be dismissed; signed by Judge Robert J. Jonker (Judge Robert J. Jonker, ymc) (Entered: 05/02/2008)
05/02/2008	3	OPINION; signed by Judge Robert J. Jonker (Judge Robert J. Jonker, ymc) (Entered: 05/02/2008)

04/22/2008		(Court only) ***Pro Se Department prescreening is complete; draft Opinion and Order denying IFP (3 strikes) sent to Judge Brenneman(cmi) Modified text on 4/22/2008 (cmi). (Entered: 04/22/2008)
04/18/2008		(Court only) ***Notify Pro Se Department of possible action needed; Plaintiff appears to have 7 strikes(cr) (Entered: 04/18/2008)
04/18/2008		(Court only) (DISREGARD)***Proposed Order regarding Deficiency prepared by Deputy Clerk and sent to Magistrate Judge Hugh W. Brenneman, Jr. (cr) Modified test on 4/18/2008 (cr). (Entered: 04/18/2008)
04/18/2008		(Court only) ***Staff notes: one copy of complaint placed on file shelf (cr) (Entered: 04/18/2008)
04/17/2008		(Court only) ***Entry to capture data regarding county of jurisdiction: Kent (dfw) (Entered: 03/30/2009)
04/17/2008	2	APPLICATION TO PROCEED without prepayment of fees and affidavit (cr) (Entered: 04/18/2008)
04/17/2008	1	COMPLAINT with magistrate referral against Unknown Mawer, Unknown Lahr, George Walker Bush, Willie O. Smith filed by Darryl A. Robinson #172898 (Attachments: # 1 Exhibit 1)(cr) (Entered: 04/18/2008)

EXHIBIT B

LIST OF CASES IN WHICH DARRYL A. ROBINSON IS PLAINTIFF / PETITIONER

Darryl A. Robinson #172898 is a petitioner in 18 cases.

1:08-cv-00951-GJQ-ESC	Robinson #172898 v. Smith	filed 10/08/08	closed 11/21/08
1:09-cv-00458-GJQ-ESC	Robinson #172898 v. Romanski	filed 05/19/09	closed 06/11/09
1:09-cv-00560-RHB-JGS	Robinson #172898 v. Wolfenbarger	filed 06/17/09	closed 06/25/09
1:11-cv-00112-PLM-JGS	Robinson #172898 v. Wolfenbarger	filed 01/31/11	closed 02/10/11
1:11-cv-00491-RHB-JGS	Robinson #172898 v. Romanski	filed 05/12/11	closed 06/01/11
1:13-cv-00495-RJJ-HWB	Robinson #172898 v. Royster	filed 05/07/13	closed 05/21/13
1:13-cv-00753-PLM-JGS	Robinson #172898 v. Stoddard	filed 07/12/13	closed 07/24/13
1:16-cv-00225-PLM-RSK	Robinson #172898 v. Burton	filed 03/02/16	closed 03/21/16
2:05-cv-00196-PLM-TPG	Robinson #172898 v. Luoma	filed 08/17/05	closed 01/04/06
2:05-cv-00199-GJQ-TPG	Robinson #172898 v. Luoma	filed 08/19/05	closed 10/06/05
2:05-cv-00280-GJQ-TPG	Robinson #172898 v. Luoma	filed 11/30/05	closed 06/02/06
2:06-cv-00021-RAED-TPG	Robinson #172898 v. Luoma	filed 01/19/06	closed 04/17/06
2:06-cv-00029-RHB-TPG	Robinson #172898 v. Luoma	filed 01/27/06	closed 06/15/06
2:06-cv-00116-GJQ-TPG	Robinson #172898 v. Luoma	filed 04/21/06	closed 09/22/06
2:08-cv-00065-RAED-TPG	Robinson #172898 v. Bergh	filed 03/12/08	closed 01/05/09
2:12-cv-00304-RHB-TPG	Robinson #172898 v. Romanowski	filed 08/08/12	closed 08/29/12
2:17-cv-00140-PLM-TPG	Robinson #172898 v. MacLaren	filed 08/21/17	closed 01/04/18
2:89-cv-00167-GJQ-TPG	Becker, et al v. Hawley, et al	filed 05/22/89	closed 06/04/90

Darryl A. Robinson #172898 is a plaintiff in 62 cases.

1:05-cv-00251-JTN-TPG	Robinson #172898 v. Livingston et al	filed 03/29/05	closed 06/07/05
1:05-cv-00302-GJQ-ESC	Robinson #172898 v. Granholm et al	filed 04/25/05	closed 07/06/05
1:05-cv-00591-PLM-PJG	Robinson #172898 v. Hicks et al	filed 09/01/05	closed 12/23/05
1:08-cv-00353-RJJ-HWB	Robinson #172898 v. Mawer et al	filed 04/17/08	closed 06/11/08
1:08-cv-00964-JTN-PJG	Robinson #172898 v. Livingston	filed 10/14/08	closed 12/12/08
1:09-cv-00888-RJJ-HWB	Robinson #172898 v. Beak	filed 09/28/09	closed 12/29/09
1:09-cv-01113-RJJ-HWB	Robinson #172898 v. Yee	filed 12/09/09	closed 01/06/10
1:11-cv-00751-PLM-JGS	Robinson #172898 v. Unknown Party et al	filed 07/21/11	closed 09/12/11
1:12-cv-00643-RHB	Robinson #172898 v. Hicks	filed 06/18/12	closed 08/17/12
1:12-cv-01112-JTN-PJG	Robinson #172898 v. Wolhuis	filed 10/15/12	closed 12/20/12
1:13-cv-00494-PLM-PJG	Robinson #172898 v. Royster	filed 05/07/13	closed 07/25/13
1:13-cv-00545-JTN-ESC	Robinson #172898 v. Sanchez	filed 05/16/13	closed 08/02/13
1:13-cv-00754-JTN-ESC	Robinson #172898 v. Stoddard	filed 07/12/13	closed 10/04/13
1:13-cv-01047-RJJ-HWB	Robinson #172898 v. Young	filed 09/24/13	closed 12/03/13

<u>1:14-cv-00750-PLM-PJG</u>	Robinson #172898 v. Stoddard	filed 07/14/14	closed 09/24/14
<u>1:14-cv-00751-RJJ-HWB</u>	Robinson #172898 v. Sanchez	filed 07/14/14	closed 09/09/14
<u>1:15-cv-00465-RJJ-HWB</u>	Robinson #172898 v. Riegler et al	filed 05/07/15	closed 07/06/15
<u>1:15-cv-01256-RJJ-RSK</u>	Robinson #172898 v. Riegler	filed 12/04/15	closed 02/12/16
<u>1:17-cv-00270-GJQ-PJG</u>	Robinson #172898 v. Michigan Department of Corrections	filed 03/22/17	closed 05/15/17
<u>2:05-cv-00116-RAE-TPG</u>	Robinson #172898 v. Granholm et al	filed 05/11/05	closed 05/16/05
<u>2:05-cv-00173-GJQ-TPG</u>	Robinson #172898 v. Burt et al	filed 07/20/05	closed 07/26/05
<u>2:05-cv-00185-GJQ-TPG</u>	Robinson #172898 v. Rairigh et al	filed 08/02/05	closed 08/04/05
<u>2:05-cv-00191-RHB-TPG</u>	Robinson #172898 v. Caruso et al	filed 08/09/05	closed 09/21/05
<u>2:05-cv-00192-GJQ-TPG</u>	Robinson #172898 v. Meni et al	filed 08/09/05	closed 09/19/05
<u>2:05-cv-00194-GJQ-TPG</u>	Robinson #172898 v. Etelamaki	filed 08/12/05	closed 09/19/05
<u>2:05-cv-00200-RAED-TPG</u>	Robinson #172898 v. Etelamaki et al	filed 08/19/05	closed 10/04/05
<u>2:05-cv-00204-GJQ-TPG</u>	Robinson #172898 v. Wertanen	filed 08/25/05	closed 10/12/05
<u>2:05-cv-00211-GJQ-TPG</u>	Robinson #172898 v. Kutchie et al	filed 09/08/05	closed 10/28/05
<u>2:05-cv-00212-GJQ-TPG</u>	Robinson #172898 v. Snow et al	filed 09/08/05	closed 10/28/05

<u>2:05-cv-00217-RAED-TPG</u>	Robinson #172898 v. Lesatz et al	filed 09/12/05	closed 11/07/05
<u>2:05-cv-00218-RHB-TPG</u>	Robinson #172898 v. Luoma	filed 09/12/05	closed 11/07/05
<u>2:05-cv-00220-RAED-TPG</u>	Robinson #172898 v. Baynes	filed 09/14/05	closed 09/20/05
<u>2:05-cv-00235-GJQ-TPG</u>	Robinson #172898 v. Riegler	filed 10/03/05	closed 04/12/06
<u>2:05-cv-00255-PLM-TPG</u>	Robinson #172898 v. Wertanen et al	filed 10/26/05	closed 04/11/06
<u>2:05-cv-00281-RHB-TPG</u>	Robinson #172898 v. Bush et al	filed 11/30/05	closed 04/12/06
<u>2:05-cv-00284-RAED-TPG</u>	Robinson #172898 v. Bush et al	filed 12/07/05	closed 04/11/06
<u>2:06-cv-00030-RAED-TPG</u>	Robinson #172898 v. Burke et al	filed 01/27/06	closed 06/16/06
<u>2:06-cv-00037-GJQ-TPG</u>	Robinson #172898 v. Etelamaki et al	filed 01/31/06	closed 04/12/06
<u>2:06-cv-00038-GJQ-TPG</u>	Robinson #172898 v. Greeley et al	filed 01/31/06	closed 04/11/06
<u>2:06-cv-00039-RAED-TPG</u>	Robinson #172898 v. Wertanen, et al	filed 01/31/06	closed 04/11/06
<u>2:06-cv-00048-RHB-TPG</u>	Robinson #172898 v. Luetzow	filed 02/14/06	closed 04/11/06
<u>2:06-cv-00049-RHB-TPG</u>	Robinson #172898 v. Purtoo	filed 02/14/06	closed 04/12/06
<u>2:06-cv-00050-RAED-TPG</u>	Robinson #172898 v. Smith	filed 02/14/06	closed 04/11/06
<u>2:06-cv-00051-GJQ-TPG</u>	Robinson #172898 v. Burke et al	filed 02/15/06	closed 04/12/06

<u>2:06-cv-00052-RAED-TPG</u>	Robinson #172898 v. Goodreau et al	filed 02/15/06	closed 04/11/06
<u>2:06-cv-00053-GJQ-TPG</u>	Robinson #172898 v. Cady et al	filed 02/15/06	closed 04/12/06
<u>2:06-cv-00098-RHB-TPG</u>	Robinson #172898 v. Kinnenun	filed 04/10/06	closed 09/13/06
<u>2:06-cv-00106-RAED-TPG</u>	Robinson #172898 v. Etelamaki	filed 04/14/06	closed 09/12/06
<u>2:06-cv-00118-RHB-TPG</u>	Robinson #172898 v. Snyder	filed 04/24/06	closed 09/13/06
<u>2:06-cv-00126-GJQ-TPG</u>	Robinson #172898 v. Smith	filed 04/28/06	closed 09/22/06
<u>2:06-cv-00127-RAED-TPG</u>	Robinson #172898 v. Turner	filed 04/28/06	closed 09/11/06
<u>2:06-cv-00128-GJQ-TPG</u>	Robinson #172898 v. Pertuu	filed 04/28/06	closed 09/22/06
<u>2:06-cv-00137-GJQ-TPG</u>	Robinson #172898 v. Smith et al	filed 05/10/06	closed 09/22/06
<u>2:06-cv-00138-GJQ-TPG</u>	Robinson #172898 v. Smith et al	filed 05/10/06	closed 09/22/06
<u>2:06-cv-00139-GJQ-TPG</u>	Robinson #172898 v. Koskinen et al	filed 05/10/06	closed 09/22/06
<u>2:06-cv-00140-RHB-TPG</u>	Robinson #172898 v. Smith	filed 05/10/06	closed 09/13/06
<u>2:06-cv-00177-GJQ-TPG</u>	Robinson #172898 v. Coron	filed 06/19/06	closed 10/23/06
<u>2:09-cv-00137-RAED-TPG</u>	Robinson #172898 v. Wertanen	filed 06/12/09	closed 09/22/09
<u>2:10-cv-00283-RAED-TPG</u>	Robinson #172898 v. Kennedy	filed 10/26/10	closed 10/26/10

[2:11-cv-00141-RHB](#)

Robinson #172898 v. Riegler

filed 04/18/11 closed 04/19/11

[2:17-cv-00146-PLM-TPG](#)

Robinson #172898 v. MacLaren et al

filed 08/31/17 closed 03/20/18

[2:90-cv-00217-JTN-TPG](#)

Dease, et al v. Brown, et al

filed 08/16/90 closed 01/31/92

EXHIBIT C - THREE STRIKES LIST

Robinson #172898, Darryl	Denied IFP (3X)	12/23/05	<u>1:05-cv-00591-PLM-PJG Robinson #172898 v. Hicks et al</u>
	Denied IFP (3X)	06/11/08	<u>1:08-cv-00353-RJJ-HWB Robinson #172898 v. Mawer et al</u>
	Denied IFP (3X)	12/12/08	<u>1:08-cv-00964-JTN-PJG Robinson #172898 v. Livingston</u>
	Denied IFP (3X)	09/12/11	<u>1:11-cv-00751-PLM-JGS Robinson #172898 v. Unknown Party et al</u>
	Denied IFP (3X)	08/17/12	<u>1:12-cv-00643-RHB Robinson #172898 v. Hicks</u>
	Denied IFP (3X)	12/20/12	<u>1:12-cv-01112-JTN-PJG Robinson #172898 v. Wolhuis</u>
	Denied IFP (3X)	07/25/13	<u>1:13-cv-00494-PLM-PJG Robinson #172898 v. Royster</u>
	Denied IFP (3X)	08/02/13	<u>1:13-cv-00545-JTN-ESC Robinson #172898 v. Sanchez</u>
	Denied IFP (3X)	10/04/13	<u>1:13-cv-00754-JTN-ESC Robinson #172898 v. Stoddard</u>
	Denied IFP (3X)	12/03/13	<u>1:13-cv-01047-RJJ-HWB Robinson #172898 v. Young</u>
	Denied IFP (3X)	09/24/14	<u>1:14-cv-00750-PLM-PJG Robinson #172898 v. Stoddard</u>
	Denied IFP (3X)	09/09/14	<u>1:14-cv-00751-RJJ-HWB Robinson #172898 v. Sanchez</u>
	Denied IFP (3X)	07/06/15	<u>1:15-cv-00465-RJJ-HWB Robinson #172898 v. Riegler et al</u>
	Denied IFP (3X)	02/12/16	<u>1:15-cv-01256-RJJ-RSK Robinson #172898 v. Riegler</u>
	Denied IFP (3X)	05/15/17	<u>1:17-cv-00270-GJQ-PJG Robinson #172898 v. Michigan Department of Corrections</u>
	Denied IFP (3X)	04/12/06	<u>2:05-cv-00235-GJQ-TPG Robinson #172898 v. Riegler</u>
	Denied IFP (3X)	04/11/06	<u>2:05-cv-00255-PLM-TPG Robinson #172898 v. Wertanen et al</u>
	Denied IFP (3X)	04/12/06	<u>2:05-cv-00281-RHB-TPG Robinson #172898 v. Bush et al</u>
	Denied IFP (3X)	04/11/06	<u>2:05-cv-00284-RAED-TPG Robinson #172898 v. Bush et al</u>
	Denied IFP (3X)	06/16/06	<u>2:06-cv-00030-RAED-TPG Robinson #172898 v. Burke et al</u>
	Denied IFP (3X)	04/12/06	<u>2:06-cv-00037-GJQ-TPG Robinson #172898 v. Etelamaki et al</u>
	Denied IFP		<u>2:06-cv-00038-GJQ-TPG Robinson #172898 v.</u>

(3X)	04/11/06	Greeley et al
Denied IFP (3X)	04/11/06	2:06-cv-00039-RAED-TPG Robinson #172898 v. Wertanen, et al
Denied IFP (3X)	04/11/06	2:06-cv-00048-RHB-TPG Robinson #172898 v. Luetzow
Denied IFP (3X)	04/12/06	2:06-cv-00049-RHB-TPG Robinson #172898 v. Purtoo
Denied IFP (3X)	04/11/06	2:06-cv-00050-RAED-TPG Robinson #172898 v. Smith
Denied IFP (3X)	04/12/06	2:06-cv-00051-GJQ-TPG Robinson #172898 v. Burke et al
Denied IFP (3X)	04/11/06	2:06-cv-00052-RAED-TPG Robinson #172898 v. Goodreau et al
Denied IFP (3X)	04/12/06	2:06-cv-00053-GJQ-TPG Robinson #172898 v. Cady et al
Denied IFP (3X)	09/13/06	2:06-cv-00098-RHB-TPG Robinson #172898 v. Kinnenun
Denied IFP (3X)	09/12/06	2:06-cv-00106-RAED-TPG Robinson #172898 v. Etelamaki
Denied IFP (3X)	09/13/06	2:06-cv-00118-RHB-TPG Robinson #172898 v. Snyder
Denied IFP (3X)	09/22/06	2:06-cv-00126-GJQ-TPG Robinson #172898 v. Smith
Denied IFP (3X)	09/11/06	2:06-cv-00127-RAED-TPG Robinson #172898 v. Turner
Denied IFP (3X)	09/22/06	2:06-cv-00128-GJQ-TPG Robinson #172898 v. Pertuu
Denied IFP (3X)	09/22/06	2:06-cv-00137-GJQ-TPG Robinson #172898 v. Smith et al
Denied IFP (3X)	09/22/06	2:06-cv-00138-GJQ-TPG Robinson #172898 v. Smith et al
Denied IFP (3X)	09/22/06	2:06-cv-00139-GJQ-TPG Robinson #172898 v. Koskinen et al
Denied IFP (3X)	09/13/06	2:06-cv-00140-RHB-TPG Robinson #172898 v. Smith
Denied IFP (3X)	10/23/06	2:06-cv-00177-GJQ-TPG Robinson #172898 v. Coron
Denied IFP (3X)	09/22/09	2:09-cv-00137-RAED-TPG Robinson #172898 v. Wertanen
Denied IFP (3X)	03/20/18	2:17-cv-00146-PLM-TPG Robinson #172898 v. MacLaren et al
Strike	09/21/05	2:05-cv-00191-RHB-TPG Robinson #172898 v. Caruso et al

Strike	09/19/05	<u>2:05-cv-00192-GJQ-TPG Robinson #172898 v. Meni et al</u>
Strike	09/19/05	<u>2:05-cv-00194-GJQ-TPG Robinson #172898 v. Etelamaki</u>
Strike	10/04/05	<u>2:05-cv-00200-RAED-TPG Robinson #172898 v. Etelamaki et al</u>
Strike	10/28/05	<u>2:05-cv-00211-GJQ-TPG Robinson #172898 v. Kutchie et al</u>
Strike	10/28/05	<u>2:05-cv-00212-GJQ-TPG Robinson #172898 v. Snow et al</u>
Strike	11/07/05	<u>2:05-cv-00217-RAED-TPG Robinson #172898 v. Lesatz et al</u>
Strike	11/07/05	<u>2:05-cv-00218-RHB-TPG Robinson #172898 v. Luoma</u>

EXHIBIT D - APPEALS SUBMITTED ON 9/25/2018



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206cv118 NOA.pdf



206cv116 NOA.pdf



206cv106 NOA.pdf



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206cv53 NOA.pdf



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No. 11-1270

EXHIBIT E

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT



DARRYL A. ROBINSON,)
)
 Plaintiff-Appellant,)
)
 v.)
)
 RICK WERTANEN,)
)
 Defendant-Appellee.)
)

ORDER

Before: KENNEDY and MOORE, Circuit Judges; HOOD, District Judge.*

This court entered an order directing Darryl A. Robinson to show cause why appeal No. 11-1270 should not be dismissed on the basis of a late notice of appeal. The order also advised Robinson that this court in *Robinson v. Wertanen*, No. 09-1109 (6th Cir. May 11, 2009), warned him that he may be subject to sanctions if he filed future appeals which “are clearly late, a second appeal from the same decision of the district court, or an appeal taken to this court seeking review of a prior decision of this court.” The show cause order entered in this appeal also directed Robinson to show cause why sanctions should not be imposed against him for this late appeal. Robinson responded by stating that his appeal is late because he is not an attorney, he was in segregation, and he does not know what he is doing. He asks this court for appointment of counsel.

It appears from the documents before the court that the district court entered its judgment on October 12, 2005. This court on May 11, 2009, dismissed as late Robinson’s January 14, 2009 notice of appeal, and warned Robinson that sanctions may be imposed if he filed future appeals which were late or duplicate appeals (appeal No. 09-1109).

*The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

No. 11-1270

- 2 -

On January 25, 2011, this court received a notice of appeal from Robinson, and forwarded that notice of appeal to the district court for filing as provided by Federal Rule of Appellate Procedure 4(d). The January 25, 2011 notice of appeal sought to appeal “from United District Court for the Western District of Michigan entered in this action in the 25 day of August, 05.” No order was filed or entered in the district court on August 25, 2005, thus it is assumed that the appeal was taken from the October 12, 2005 judgment dismissing the August 25, 2005 complaint. The January 25, 2011 notice of appeal filed more than five years after entry of the judgment is late. *See* Fed. R. App. 4(a) and 26(a). Moreover, it is a duplicate to appeal No. 09-1109 which this court dismissed in 2009, and in which this court warned Robinson of the possibility of sanctions being imposed if he continued to file late appeals and duplicate appeals.

Compliance with Federal Rule of Appellate Procedure 4(a) is a mandatory prerequisite that this court may neither waive nor extend. *Budinich v. Becton Dickinson & Co.*, 486 U.S. 196, 203 (1988); *Ultimate Appliance CC v. Kirby Co.*, 601 F.3d 414, 415-16 (6th Cir. 2010). Federal Rule of Appellate Procedure 26(b) specifically provides that this court may not enlarge the time for filing a notice of appeal except as authorized in Rule 4.

Robinson was warned in *Robinson v. Wertanen*, No. 09-1109 (6th Cir. May 11, 2009) that he may be sanctioned if he filed future appeals which were “clearly late, a second appeal from the same decision of the district court, or an appeal taken to this court seeking review of a prior decision of this court.” Appeal No. 11-1270 is both a notice of appeal filed clearly beyond the thirty-day appeal period provided by Federal Rule of Appellate Procedure 4(a), and a duplicate appeal to appeal No. 09-1109. Since this court’s 2009 warning, Robinson has continued to file defective appeals. Six late appeals were dismissed in 2010, and several more defective appeals have already been dismissed in 2011.

It is ordered that appeal No. 11-1270 is dismissed, and the request for appointment of counsel is denied.

It is further ordered that sanctions be imposed against Robinson. Robinson is denied leave to proceed in forma pauperis on appeal in any future appeal he may file in this case. If he chooses

No. 11-1270

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to file a subsequent notice of appeal in this case, he must pay the appellate filing fee in full prior to the appeal being permitted to proceed in this court. Failure to pay the required appellate filing fee will result in dismissal of the appeal.

ENTERED BY ORDER OF THE COURT

A handwritten signature in cursive script, appearing to read "Bernard J. ...", is centered on the page.

Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: June 14, 2016

Mr. Darryl A. Robinson
Richard A. Handlon Correctional Facility
1728 Bluewater Highway
Ionia, MI 48846

Re: Case No. 16-1424, *Darryl Robinson v. Timothy Hicks*
Originating Case No. : 1:12-cv-00643

Dear Mr. Robinson,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Linda M. Niesen
Case Manager
Direct Dial No. 513-564-7038

cc: Mr. Thomas Dorwin

Enclosure

No mandate to issue

No. 16-1424

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jun 14, 2016
DEBORAH S. HUNT, Clerk

DARRYL A. ROBINSON,)
)
Plaintiff-Appellant,)
)
v.)
)
TIMOTHY G. HICKS, Judge,)
)
Defendant-Appellee.)
)
)

O R D E R

Before: SUHRHEINRICH, DAUGHTREY, and ROGERS, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction. The district court entered its judgment on August 17, 2012. Darryl A. Robinson appealed on August 14, 2015 (appeal No. 15-1957), and this court dismissed the appeal on October 6, 2015. Robinson filed a second notice of appeal on April 1, 2016 (appeal No. 16-1424, the current appeal). The April 1, 2016, notice of appeal was not filed within the thirty-day appeal period. *See* Fed. R. App. P. 4(a), 26(a). The appeal also appears to be a duplicate of appeal No. 15-1957.

Compliance with Federal Rule of Appellate Procedure 4(a) is a mandatory prerequisite that this court may neither waive nor extend. *Bowles v. Russell*, 551 U.S. 205, 214 (2007); *Ultimate Appliance CC v. Kirby Co.*, 601 F.3d 414, 415-16 (6th Cir. 2010). Federal Rule of Appellate Procedure 26(b) specifically provides that the time for filing a notice of appeal may not be extended except as authorized in Rule 4. We have reviewed the record and find that the exception authorized by Rule 4 does not apply in this case.

It is ordered that this appeal is **DISMISSED**. Robinson is warned that filing future appeals may subject him to sanctions if they are clearly late, a second appeal from the same

No. 16-1424

- 2 -

decision of the district court, or an appeal taken to this court seeking review of a prior decision of this court.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

Deborah S. Hunt, Clerk

No. 16-1447

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jun 15, 2016
DEBORAH S. HUNT, Clerk

DARRYL A. ROBINSON,)
)
 Petitioner-Appellant,)
)
 v.)
)
 TIMOTHY LUOMA,)
)
 Respondent-Appellee.)
)
)

O R D E R

Before: SUHRHEINRICH, DAUGHTREY, and ROGERS, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction. The district court entered its judgment dismissing Darryl A. Robinson’s habeas corpus petition on January 4, 2006, and denied Robinson’s motion for relief from judgment on April 5, 2006. Robinson appealed on April 14, 2006 (appeal No. 06-1529), and this court dismissed the appeal for want of prosecution on June 12, 2006. Robinson filed a second notice of appeal from the judgment on May 17, 2010 (appeal No. 10-1688), and this court dismissed the appeal on November 9, 2010. On April 1, 2016, Robinson filed a third notice of appeal from the January 4, 2006 judgment. The April 1, 2016 notice of appeal is late. *See* Fed. R. App. P. 4(a), 26(a).

Compliance with Federal Rule of Appellate Procedure 4(a) is a mandatory prerequisite that this court may neither waive nor extend. *Bowles v. Russell*, 551 U.S. 205, 214 (2007); *Ultimate Appliance CC v. Kirby Co.*, 601 F.3d 414, 415-16 (6th Cir. 2010). Federal Rule of Appellate Procedure 26(b) specifically provides that the time for filing a notice of appeal may not be extended except as authorized in Rule 4. We have reviewed the record and find that the exception authorized by Rule 4 does not apply in this case.

No. 16-1447

- 2 -

Accordingly, it is ordered that appeal No. 16-1447 is **DISMISSED**. Robinson is warned that filing future appeals may subject him to sanctions if they are clearly late, a second appeal from the same decision of the district court, or an appeal taken to this court seeking review of a prior decision of this court.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: June 15, 2016

Darryl A. Robinson
Richard A. Handlon Correctional Facility
1728 Bluewater Highway
Ionia, MI 48846

Re: Case No. 16-1447, *Darryl Robinson v. Timothy Luoma*
Originating Case No. : 2:05-cv-00196

Dear Mr. Robinson ,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Robin Baker
Case Manager
Direct Dial No. 513-564-7027

cc: Mr. Thomas Dorwin

Enclosure

No mandate to issue

No. 18-1446

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jun 11, 2018
DEBORAH S. HUNT, Clerk

DARRYL A. ROBINSON, aka Hamzah Rafi Farid,)
)
Plaintiff-Appellant,)
)
v.)
)
UNKNOWN LIVINGSTON, et al.,)
)
Defendants-Appellees.)
)

O R D E R

Before: SILER and THAPAR, Circuit Judges; HOOD, District Judge.*

This matter is before the court upon initial consideration of appellate jurisdiction. The district court entered its judgment on June 7, 2005. Darryl A. Robinson appealed on March 2, 2009 (appeal No. 09-1335), and this court dismissed the appeal on May 12, 2009. Robinson filed a second notice of appeal on April 1, 2016 (appeal No. 16-1445), and this court dismissed the appeal on June 14, 2016. Robinson filed a third notice of appeal on April 17, 2018 (appeal No. 18-1446, the current appeal). The April 17, 2018, notice of appeal is over twelve years late, and it appears to be a duplicate of appeal No. 09-1335. *See* 28 U.S.C. § 2107(a); *see also* Fed. R. App. P. 4(a).

Compliance with the statutory requirement in § 2107(a) that the notice of appeal be filed within thirty days after the entry of a judgment is a mandatory, jurisdictional prerequisite that this court may neither waive nor extend. *Hamer v. Neighborhood Hous. Servs. of Chicago*, 138 S. Ct. 13, 20 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

*The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

No. 18-1446

- 2 -

Robinson was warned in *Robinson v. Livingston*, No. 16-1445 (6th Cir. June 14, 2016), that he may be sanctioned if he filed future appeals that were “clearly late, a second appeal from the same decision of the district court, or an appeal taken to this court seeking review of a prior decision of this court.” Appeal No. 18-1446 is both clearly late and a duplicate of appeal No. 09-1335. Since this court’s 2016 warning, Robinson continues to file defective appeals.

It is ordered that appeal No. 18-1446 is **DISMISSED**.

It is further ordered that sanctions be imposed against Robinson. Robinson is denied leave to proceed in forma pauperis on appeal in any future appeal that he may file in this case. If he chooses to file a subsequent notice of appeal in this case, he must pay the appellate filing fee in full prior to the appeal being permitted to proceed in this court. Failure to pay the required appellate filing fee will result in dismissal of the appeal.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: June 11, 2018

Mr. Darryl A. Robinson
Kinross Correctional Facility
4533 W. Industrial Park Drive
Kincheloe, MI 49786

Re: Case No. 18-1446, *Darryl Robinson v. Livingston, et al*
Originating Case No. 1:05-cv-00251

Dear Mr. Robinson:

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Patricia J. Elder, Senior Case Manager
for Leon Korotko, Case Manager

cc: Mr. Thomas Dorwin

Enclosure

No mandate to issue

FILED
Dec 19, 2016
DEBORAH S. HUNT, Clerk

No. 16-2626

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DARRYL A. ROBINSON,)
)
Plaintiff-Appellant,)
)
v.)
)
STEVE KUTCHIE, named as Regular Unit Officer,)
in his Official and Personal Capacity, et al.,)
)
Defendants-Appellees.)
)

O R D E R

Before: CLAY, ROGERS, and KETHLEDGE, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction. The district court entered its judgment on October 28, 2005. Darryl A. Robinson appealed on January 14, 2009 (appeal No. 09-1110), and this court dismissed the appeal on May 12, 2009 as untimely. Robinson filed a second notice of appeal on August 14, 2015 (appeal No. 15-1982), and this court dismissed the appeal on October 7, 2015. Robinson filed a third notice of appeal on April 1, 2016 (appeal No. 16-1418), and this court dismissed the appeal on June 14, 2016. Robinson filed a fourth notice of appeal on November 14, 2016 (appeal No. 16-2626, the current appeal). The November 14, 2016 notice of appeal is over ten years late, and it appears to be a duplicate of appeal No. 09-1110. *See* Fed. R. App. P. 4(a), 26(a).

Compliance with Federal Rule of Appellate Procedure 4(a) is a mandatory prerequisite that this court may neither waive nor extend. *Bowles v. Russell*, 551 U.S. 205, 214 (2007); *Ultimate Appliance CC v. Kirby Co.*, 601 F.3d 414, 415-16 (6th Cir. 2010). Federal Rule of Appellate Procedure 26(b) specifically provides that the time for filing a notice of appeal may

No. 16-2626

- 2 -

not be extended except as authorized in Rule 4. We have reviewed the record and find that the exception authorized by Rule 4 does not apply in this case.

Robinson was warned in *Robinson v. Kutchie*, No. 09-1110 (6th Cir. May 12, 2009), that he may be sanctioned if he filed future appeals that were “clearly late, a second appeal from the same decision of the district court, or an appeal taken to this court seeking review of a prior decision of this court.” Appeal No. 16-2626 is both a notice of appeal filed clearly beyond the thirty-day appeal period provided by Federal Rule of Appellate Procedure 4(a) and a duplicate of appeal No. 09-1110.

It is ordered that appeal No. 16-2626 is **DISMISSED**.

It is further ordered that sanctions be imposed against Robinson. Robinson is denied leave to proceed in forma pauperis on appeal in any future appeal he may file in this case. If he chooses to file a subsequent notice of appeal in this case, he must pay the appellate filing fee in full before the appeal will be permitted to proceed in this court. Failure to pay the required appellate filing fee will result in dismissal of the appeal.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EXHIBIT F

DARRYL A. ROBINSON #172898,

Plaintiff,

Case No. 1:05-cv-00591-PLM-PJG

v.

Hon. Paul L. Maloney

TIMOTHY G. HICKS, et al.,

Defendants.

ORDER REJECTING PLEADING

The Court has examined the following document(s) received April 17, 2018 and orders the Clerk to reject the Notice of Appeal and return the document(s) to Darryl Robinson for the reason(s) noted below:

Filer is attempting to file an appeal of a document filed on 5/27/05; however, no filed documents match this description

If Darryl Robinson wishes to resubmit a corrected pleading, a copy of this Order should accompany the resubmitted pleading.

IT IS SO ORDERED.

Dated: April 19, 2018

/s/ Phillip J. Green
PHILLIP J. GREEN
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL A. ROBINSON #172898,

Plaintiff,

Case No. 1:08-cv-00964-JTN-PJG

v.

Hon. Janet T. Neff

UNKNOWN LIVINGSTON,

Defendant.

ORDER REJECTING PLEADING

The Court has examined the following document(s) received April 17, 2018 and orders the Clerk to reject the Notice of Appeal and return the document(s) to Darryl Robinson for the reason(s) noted below:

Filer is attempting to file an appeal of a document filed on August 12, 2008; however, no filed documents match this description.

If Darryl Robinson wishes to resubmit a corrected pleading, a copy of this Order should accompany the resubmitted pleading.

IT IS SO ORDERED.

Dated: May 2, 2018

/s/ Ellen S. Carmody
ELLEN S. CARMODY
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL A. ROBINSON #172898,

Plaintiff,

Case No. 1:13-cv-00494-PLM-PJG

v.

Hon. Paul L. Maloney

LARRY S. ROYSTER,

Defendant.

ORDER REJECTING PLEADING

The Court has examined the following document(s) received April 17, 2018 and orders the Clerk to reject the Notice of Appeal and return the document(s) to Darryl Robinson for the reason(s) noted below:

Filer is attempting to file an appeal of a document filed on the 25th day in 2012; however, no filed documents match this description

If Darryl Robinson wishes to resubmit a corrected pleading, a copy of this Order should accompany the resubmitted pleading.

IT IS SO ORDERED.

Dated: April 19, 2018

/s/ Phillip J. Green
PHILLIP J. GREEN
U.S. Magistrate Judge