

FILED

JAN 14 1985

IN THE MATTER OF
VLADIMIR ALEXANDER ZATKO
aka DR. VLADIMIR ZATKO,
aka PETER ROMANO, aka
PETER ROMANOV, aka DR.
PETER ROMANO, aka DR.
PETER ROMANOV.

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____ General Order No. 174
DEPUTY CLERK

ORDER TO CLERK OF THE UNITED STATES
DISTRICT COURT, EASTERN DISTRICT OF
CALIFORNIA, RE: THE FILING OF COMPLAINTS
AND PETITIONS

On November 4, 1976, the Chief Judge of the Eastern District issued an order to the Clerk of the Court regarding the filing of complaints and petitions by Vladimir Zatko. During 1976 alone, Mr. Zatko filed sixteen (16) actions with this court. As the result of these numerous filings, most of which were dismissed as frivolous under 28 U.S.C. § 1915(d), the Clerk of the Court was directed not to file any further petitions or complaints by Mr. Zatko. Instead, the complaints were to be lodged with the Clerk and considered by any judge of the Eastern District, and then filed only if they were found to have merit.

Recently, Mr. Zatko has renewed his filing of numerous complaints with this court. He was able to avoid the operation of this court's previous order by employing a variety of alias names, to wit: Dr. Vladimir Zatko, Peter Romano, Peter Romanov, Dr. Peter Romano, and Dr. Peter Romanov. However, regardless of the particular name chosen, Mr. Zatko's inmate classification number remains the same: B-34189. Since January 1, 1984, he has filed the following complaints:

<u>Action No.</u>	<u>Title</u>
S-84-0024-RAR	Dr. Vladimír Zátka v. Paul J. Morris, et al
S-84-1502-RAR	Peter Romano, et al. v. Joe Campoy
S-84-1510-MLS	Peter Romano, et al. v. Joe Campoy
S-84-1521-EJG	Peter Romano, Dr. Alejandro Boris v. Attorney General of the United States
S-84-1538-MLS	Dr. Peter Romanov v. The Attorney General of the U.S.
S-84-1547-RAR	Peter Romano v. Board of Prison Terms
S-84-1586-RAR	Peter Romanov, Remie Trujillo v. Joe Campoy
S-84-1615-RAR	Dr. Peter Romanov v. Joe Campoy
S-84-1639-RAR	Dr. Peter Romanov Juan Rojas v. Daniel McCarthy, et al.
S-84-1679-EJG	Dr. Peter Romanov, Remie Trujillo v. Daniel J. McCarthy

Given Mr. Zátka's frequent employment of alias names, plus the fact that over half of the above-cited cases were dismissed as frivolous pursuant to 28 U.S.C. § 1915(d), the Court renews its finding that Mr. Zátka is abusing the process of this court.

In Franklin v. Murphy, 745 F.2d 1221 (9th Cir. 1984), the Ninth Circuit held that an order limiting a prisoner's access to the courts must be designed to preserve his right to adequate, effective, and meaningful access, while protecting the court from abuse. Franklin, 745 F.2d at 1231-32. The Franklin court approved a district court's order which limited an abusive prisoner's in forma pauperis filings to six (6) a year, provided that, for any additional filings, the following requirements were met:

Petitioner may not file any civil action without leave of court. In seeking leave of court, petitioner must certify that the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court. Upon failure to certify or upon a false certification, petitioner may be found in contempt of court and punished accordingly.

Franklin, 745 F.2d at 1232, citing In re Green, 669 F.2d 779, 787 (D.C. Cir. 1981).

It is this court's view that an order permitting Zatko to file any petitions without their first being examined for nonfrivolity, in light of his conduct, would be inadequate to protect the court from abuse. Nonetheless the court is sensitive to the need to provide this prisoner with a forum should he have a nonfrivolous claim. To balance the competing interests pertinent hereto,

IT IS HEREBY ORDERED that the Clerk of the Court shall not file any further in forma pauperis complaints or petitions brought by Vladimir Zatko. This order applies to actions brought by any plaintiff/petitioner using Inmate Classification No. B-34189, regardless of the actual name employed. Such complaints or petitions shall be lodged with the Clerk and considered by any judge of the Eastern District in accordance with Franklin v. Murphy, 745 F.2d 1221, 1232 (9th Cir. 1984). The petitioner shall certify that any new petition presents new claims never before raised and disposed of on the merits by any federal court; upon failure to certify or upon a false certification, petitioner may be found in contempt of court and punished accordingly.

IT IS SO ORDERED.

DATED: 1-17-85

FOR THE COURT:


LAWRENCE K. KARLTON, CHIEF JUDGE
UNITED STATES DISTRICT COURT