

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Chukwuma Azubuko, :
Plaintiff, :
 :
v. : File No. 1:08-CV-226
 :
John McCabe, Unknown :
Boston Police Officer, :
Charlestown District :
Court, Roxbury District :
Court, Kevin E. Murray, :
Massachusetts Registry of :
Motor Vehicles, :
Massachusetts Merit :
Rating Board, Judge :
Barclay R. Surrick, :
Defendants. :

OPINION AND ORDER

Plaintiff Chukwuma Azubuko, proceeding *pro se*, seeks to sue various officials and courts in Massachusetts, as well as a Federal Judge in Pennsylvania, for events arising out of a series of traffic violations. Because the events giving rise to Azubuko's claims allegedly occurred in the District of Massachusetts, and there is no indication of any factual or legal connection to the State of Vermont, this action is hereby TRANSFERRED to the United States District Court for the District of Massachusetts. 28 U.S.C. §§ 1391(b)(2), 1406(a). A ruling on Azubuko's motion to proceed *in forma pauperis* is reserved for the transferee Court.

The Court is compelled to note the plaintiff's history of abusive litigation practices. One recent court found that

Azubuko has filed a "total of 233 actions nationwide in various federal district and appellate courts." Azubuko v. Sandofsky, 2008 WL 1991091, at *2 (E.D.N.Y. May 5, 2008). In Massachusetts, "Azubuko has been enjoined from filing civil actions in the United States District Court for the District of Massachusetts as a result of his vexatious filing practices there." Azubuko v. Massachusetts' Lawyers Weekly, 2006 WL 3454852, at *3 (D.N.H. Nov. 28, 2006) (citation omitted). "In an effort to circumvent the filing restrictions placed upon him by the United States District Court for the District of Massachusetts," he has filed actions in the Districts of Florida, Georgia, Louisiana, Delaware, Michigan, New Hampshire, Pennsylvania, Connecticut, New York, and now this Court. Id.¹ Azubuko has been warned by the Second Circuit Court of Appeals that "any future frivolous filings [there] may result in sanctions, which may include monetary sanctions or prohibition from further filings of this Court." Azubuko v. Giorlandino, 2000 WL 553184, at *1 (2d Cir. May 2, 2000).

The instant case is Azubuko's third filing in this Court this calendar year. See Azubuko v. McDonald Corp., File No.

¹ "Currently, there is a standing order in the District of Massachusetts prohibiting [Azubuko] from filing actions without leave of the court and automatically dismissing any actions transferred to the District of Massachusetts from other districts in which [Azubuko] filed to circumvent the order." Azubuko v. Judge of the U.S. Court of Appeals for the First Circuit, 2008 WL 1990829, at *2 (E.D.N.Y. May 2, 2008).

1:08-CV-126; Azubuko v. Doherty, File No. 1:08-CV-141. Each filing was either transferred or dismissed at the outset due to improper venue or lack of jurisdiction. In light of this history, the Court warns Azubuko that it will not tolerate frivolous litigation, and that future frivolous filings will result in an order barring acceptance of complaints without first obtaining leave from the Court. See In re Martin-Trigona, 9 F.3d 226, 227-29 (2d Cir. 1993) (discussing sanctions courts may impose upon vexatious litigants).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 27th day of October, 2008.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge