

Per Curiam

RIVERA *v.* FLORIDA DEPARTMENT OF
CORRECTIONS

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

No. 98–7450. Decided March 22, 1999

Pro se petitioner seeks leave to proceed *in forma pauperis* on his petition for certiorari. The instant petition constitutes his 13th frivolous filing with this Court.

Held: Petitioner's motion to proceed *in forma pauperis* is denied. He is barred from filing any further petitions for certiorari and for extraordinary writs in noncriminal cases unless he first pays the docketing fee and submits his petition in compliance with this Court's Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1.

Motion denied.

PER CURIAM.

Pro se petitioner Rivera seeks leave to proceed *in forma pauperis* under Rule 39 of this Court. We deny this request pursuant to Rule 39.8. Rivera is allowed until April 12, 1999, within which to pay the docketing fee required by Rule 38 and to submit his petition in compliance with this Court's Rule 33.1. We also direct the Clerk not to accept any further petitions for certiorari nor petitions for extraordinary writs from Rivera in noncriminal matters unless he pays the docketing fee required by Rule 38 and submits his petition in compliance with Rule 33.1.

Rivera has abused this Court's certiorari and extraordinary writ processes. In January of this year, we twice invoked Rule 39.8 to deny Rivera *in forma pauperis* status. See *Rivera v. Allin*, 525 U. S. 1065; *In re Rivera*, 525 U. S. 1066. At that time, Rivera had filed two petitions for extraordinary writs and eight petitions for certiorari, all of which were both patently frivolous and had been denied without recorded dissent. The instant petition for certiorari thus constitutes Rivera's 13th frivolous filing with this

STEVENS, J., dissenting

Court. He has four additional filings—all of them patently frivolous—currently pending before this Court.

We enter the order barring prospective filings for the reasons discussed in *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Rivera's abuse of the writ of certiorari and of the extraordinary writs has been in noncriminal cases, and so we limit our sanction accordingly. The order therefore will not prevent Rivera from petitioning to challenge criminal sanctions which might be imposed on him. The order, however, will allow this Court to devote its limited resources to the claims of petitioners who have not abused our process.

It is so ordered.

JUSTICE STEVENS, dissenting.

For reasons previously stated, see *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992) (STEVENS, J., dissenting), and cases cited, I respectfully dissent.