

IN THE UNITED STATES DISTRICT COURT
OF THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHARLIE MALOFF, PLAINTIFF

v

CASE NO 4:17-CV-03555

BRYAN COLLIER,

United States Courts
Southern District of Texas

SCOTT MARQUART et al

FEB 21 2018

DEFENDANTS

David J. Bradley, Clerk of Court

MOTION FOR LEAVE OF THE COURT TO FILE
STAY OF PROCEEDINGS

TO THE HONORABLE JUDGE HUGHES:

COMES NOW, CHARLIE MALOFF, TDCJ NO. 1478590,
PRO SE, RESPECTFULLY REQUESTING LEAVE OF THE COURT
TO FILE THIS STAY OF PROCEEDINGS REGARDING PLAINTIFF'S
CLAIMS:

- 1) ONGOING RETALIATION AGAINST A WITNESS AND VICTIM;
- 2) RECKLESS ENDANGERMENT;
- 3) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW;
- 4) OBSTRUCTION OF JUSTICE
- 5) CONSPIRACY;
- 6) DESTRUCTION, ALTERATION AND FALSIFICATION OF RECORDS IN FEDERAL INVESTIGATION; AND,
- 7) TAMPERING WITH A WITNESS

PURSUANT TO THE ORDER ON CLAIMS, ENTERED ON JANUARY 16, 2018, THE PRISON LITIGATION REFORM ACT (PLRA), AND FEDERAL RULES OF CIVIL PROCEDURE, RULES 18 AND 20, MALOUFF HAS SEPARATED THE ORIGINAL CLAIM OF VIOLATION OF COURT ORDER AND IN ACCORDANCE WITH THE AFOREMENTIONED, AMENDED HIS COMPLAINT TO FOCUS NARROWLY ON THIS SPECIFIC CLAIM.

THERE ARE ELEGIBIOUS DEPRIVATIONS OF CONSTITUTIONAL RIGHTS INVOLVED WITH EACH OF THE REMAINING SEVEN CLAIMS CITED ABOVE.

MALOUFF RESPECTFULLY REQUESTS THIS STAY OF PROCEEDINGS TO PROPERLY SEPARATE AND REFILE EACH CLAIM IN ACCORDANCE WITH THE PLRA AND FEDERAL RULES OF CIVIL PROCEDURE.

UNDER THE PENALTY OF PERJURY, MALOUFF EMPHATICALLY STATES THERE WAS NO ILL WILL INTENT TO, IN ANY WAY, ATTEMPT TO CIRCUMVENT THE PLRA OR THE FEDERAL RULES OF CIVIL PROCEDURE.

MALOUFF DID ATTEMPT TO SEEK LEGAL ADVICE ON HOW TO PROCEED FROM CLASS ACTION COUNSEL ON NOVEMBER 14th AND 20th, 2017, BUT HAS NOT YET RECEIVED A RESPONSE (SEE COPIES OF NON-CONFIDENTIAL EMAILS IN EXHIBIT 1). THE ONGOING SUBSTANTIAL RISK OF HARM TO MALOUFF AND OTHER CLASS MEMBERS AT THE DIBOLL CORRECTIONAL CENTER WARRANTED MALOUFF'S ORIGINAL COMPLAINT.

THE DENIAL OF THE ABILITY TO REDRESS CONSTITUTIONAL DEPRIVATIONS, SUCH AS THE DENIAL OF THE

RIGHT TO EXERCISE HIS RELIGION, WILL CAUSE IRREPARABLE HARM TO MALDUFF.

MALDUFF PRAYS THIS COURT WILL GRANT THIS MOTION AND STAY THE REMAINING CLAIMS SO THAT HE CAN PROPERLY PROTECT CONSTITUTIONAL RIGHTS AND AVOID IRREPARABLE INJURY.

SIGNED ON THIS 27TH DAY OF JANUARY, 2018,

RESPECTFULLY SUBMITTED,

CHARLIE MALDUFF, PROSE

1978590

DLL

1604 SOUTH FIRST ST

DIBOLL, TX 75841

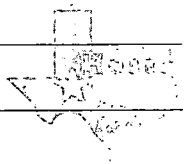
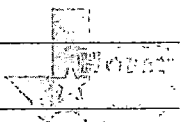


EXHIBIT 1



Louise Malouff

From: Louise Malouff [mlm0913@satx.rr.com]
Sent: Tuesday, November 14, 2017 7:39 PM
To: 'david@edwards-law.com'
Subject: from charlie

David, is there any way you or Wallis can come up here and visit with me?? There are questions that I would really like to ask face-to-face.

Thank you
charlie



Louise Malouff

From: Louise Malouff [mlm0913@satx.rr.com]
Sent: Monday, November 20, 2017 6:08 PM
To: 'wallis@texascivilrightsproject.org'
Subject: message from charlie

Wallis, is there any way you can come visit me at Diboll?? I need to discuss issues regarding this Federal lawsuit.

Thank you,
Charlie Malouff