

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 06-10068-CIV-KING/GARBER

PETER ANGELOTTI,
Plaintiff,

vs.

RICHARD ROTH, in his capacity
as Sheriff of Monroe County, Florida,
and JOSEPH LINARES, Individually,
Defendants.

MOTION IN LIMINAE

AND NOW COMES the Plaintiff, PETER ANGELOTTI, by his attorney, CHARLES M. MILLIGAN, pursuant to Rule 7 of the Federal Rules of Civil Procedure and moves this Honorable Court for an Order limiting certain references to certain alleged prior bad acts of the Plaintiff and prior arrests and in support thereof says:

- 1) The Plaintiff has filed a civil action against the above-named Defendants alleging unreasonable and/or excessive force.
- 2) During depositions and in response to interrogatories, the Defendants have made inquiry into prior acts of the Plaintiff that resulted in complaints to law enforcement about his behavior that occurred before the date of his arrest from which the gravamen of his complaint arises.
- 3) In addition, the Defendants have inquired about prior arrests and convictions of misdemeanor charges.

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- 4) Pursuant to Rule 404(b) of the Federal Rules of Evidence, evidence of other crimes, wrongs or acts is not admissible to prove the character of a person to show action in conformity therewith.
- 5) Pursuant to Rule 11 of the Federal Rules of Civil Procedure, this motion is made in good faith and not for any improper purpose.

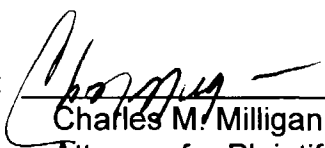
WHEREFORE the Plaintiff prays for an Order limiting any reference to prior complaints of neighbors, conviction of any misdemeanors or arrests that would tend to prove action in conformity with prior behavior.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing **Motion In Liminae** has been furnished to **Richard A. Giuffreda, Esq.**, Purdy, Jolly, Giuffreda & Barranco, P.A., 2455 East Sunrise Blvd., Suite 1216, Fort Lauderdale, FL 33304 via first-class U.S. Mail on this 28 day of September 2006.

Law Office of Charles M. Milligan
403 Whitehead Street
P.O. Box 1367
Key West, FL 33041-1367
305-294-8885

By: _____


Charles M. Milligan
Attorney for Plaintiff
FBN: 0246948