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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Richard Rynn, et al.,

10 Plaintiffs,

11 v.

12 Craig Jennings, et al.,

13 Defendants.  
14

No. CV-24-00594-TUC-JGZ

**ORDER**

15 On February 19, 2025, the Court granted all pending motions to dismiss in this case  
16 and denied Plaintiffs leave to amend their First Amended Complaint. (Doc. 174 at 16–18.)  
17 The Court ordered Plaintiffs to “show cause: (1) why they should not be sanctioned  
18 pursuant to the Court’s inherent powers for filing this lawsuit in bad faith; and (2) why they  
19 have not violated Rule 11(b) by presenting frivolous claims for an improper purpose”  
20 within 14 days. (*Id.* at 17–18.) Rather than respond to the Court’s show-cause order,  
21 Plaintiffs filed three new motions that re-raise the same arguments this Court rejected in  
22 its Order dismissing this case. (*See* Docs. 178, 179, 180.) Therefore, the Court will impose  
23 monetary sanctions on each Plaintiff and revoke Mr. Rynn’s e-filing privileges.

24 **I. Legal Standard**

25 A. Rule 11 Sanctions

26 Federal Rule of Civil Procedure 11 provides that, by presenting “a pleading, written  
27 motion, or other paper” to the court, an “unrepresented party certifies that” such a pleading  
28 or motion:

- 1 (1) is not being presented for an improper purpose, such as to harass, cause  
unnecessary delay, or needlessly increase the cost of litigation;
- 2 (2) the claims, defenses, and other legal contentions are warranted by  
existing law or by a nonfrivolous argument for extending, modifying, or  
3 reversing existing law or for establishing new law;
- 4 (3) the factual contentions have evidentiary support or, if specifically so  
identified, will likely have evidentiary support after a reasonable  
opportunity for further investigation or discovery; and
- 5 (4) the denials of factual contentions are warranted on the evidence or, if  
specifically so identified, are reasonably based on belief or a lack of  
6 information.

7 Fed. R. Civ. P. 11(b). “If, after notice and a reasonable opportunity to respond, the court  
8 determines that Rule 11(b) has been violated, the court may impose an appropriate sanction  
9 on any . . . party that violated the rule or is responsible for the violation.” Fed. R. Civ. P.  
10 11(c)(1). To impose a monetary sanction sua sponte under Rule 11, the Court must have  
11 “issued [a] show-cause order . . . before voluntary dismissal or settlement of the claims  
12 made by . . . the party that is . . . to be sanctioned.” Fed. R. Civ. P. 11(c)(3), (5)(B). “[A]ny  
13 Rule 11 monetary sanction imposed pursuant to the court’s initiative must be . . . payable  
14 to the court.” *Gonzales v. Texaco Inc.*, 344 F. App’x 304, 309 (9th Cir. 2009) (citing *Barber*  
15 *v. Miller*, 146 F.3d 707, 711 (9th Cir. 1998)).

#### 16 B. Sanctions Under the Court’s Inherent Powers

17 Additionally, “federal courts possess inherent power to impose sanctions, ‘when the  
18 losing party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons.’”  
19 *Stone v. Baum*, 409 F. Supp. 2d 1164, 1171 (D. Ariz. 2005) (quoting *Aloe Vera of Am., Inc.*  
20 *v. United States*, 376 F.3d 960, 964–65 (9th Cir. 2004)). To impose sanctions under its  
21 inherent powers, the Court must make a specific finding of bad faith. *In re Keegan Mgmt.*  
22 *Co., Sec. Litig.*, 78 F.3d 431, 436 (9th Cir. 1996). Generally, the issuance of sanctions sua  
23 sponte requires notice and an opportunity to be heard. *Am. Unites for Kids v. Rousseau*,  
24 985 F.3d 1075, 1095 (9th Cir. 2021).

25 The Court may also enjoin Plaintiffs from filing any further actions or papers  
26 without first obtaining leave of the Court. *Stone*, 409 F. Supp. 2d at 1171–72 (citing *De*  
27 *Long v. Hennessey*, 912 F.2d 1144, 1146–49 (9th Cir. 1990)); see 28 U.S.C. § 1651(a). Pre-  
28 filing orders against a self-represented plaintiff are an extreme remedy and should be

1 approached with caution. *See Desmaine v. Columbia Sportswear Co.*, No. 3:24-CV-00067-  
2 SB, 2025 WL 554133, at \*5 (D. Or. Jan. 27, 2025), *report and recommendation adopted*,  
3 No. 3:24-CV-00067-SB, 2025 WL 552581 (D. Or. Feb. 18, 2025) (citing *De Long*, 912  
4 F.2d at 1147). A pre-filing order is justified if four requirements are met: (1) the litigant  
5 must be given notice and an opportunity to be heard before the order is entered; (2) the  
6 court must compile an adequate record for review; (3) the court must make substantive  
7 findings about the frivolous or harassing nature of the plaintiff’s litigation; and (4) the order  
8 must be narrowly tailored to closely fit the specific vice encountered. *Id.* at \*6 (citing  
9 *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007)).

## 10 II. Sanctions

11 Pursuant to Rule 11 and the Court’s inherent powers, the Court will impose  
12 monetary sanctions in the amount of \$1,000.00 on each Plaintiff, for a total of \$3,000.00,  
13 payable to the Court. (Doc. 174 at 6–14.) As outlined in the Court’s Order entered on  
14 February 19, 2025, the instant case is Plaintiffs’ fourth litigation of their claims relating to  
15 Marcella’s stay at Quail Run, removal, and dependency proceeding, and their claims  
16 relating to the entry of the Injunction Against Harassment (“IAH”) against Richard by his  
17 former co-worker. (*Id.*) A review of the dockets and appeals in the six prior cases reveals  
18 Plaintiffs’ bad faith actions. (*See id.*; Doc. 68-17 at 1–2 (“The Court notes that Plaintiff  
19 repeatedly asserts in his motion for reconsideration that he ‘has no choice but to continue  
20 litigation and filing lawsuits year after year.’”))

21 The Court has provided Plaintiffs with notice and an opportunity to be heard  
22 regarding sanctions. (*See* Doc. 174.) Instead of addressing the Court’s concerns, Plaintiffs  
23 filed a Motion to Strike the Court’s Order as Factually False, a Motion for a Mistrial, and  
24 a Motion for a New Trial. (Docs. 178, 179, 180.) These motions do not provide any  
25 justification for Plaintiffs’ actions or any reason the Court should not impose sanctions.  
26 Instead, each motion repeats the same meritless arguments this and other courts have  
27 rejected on numerous occasions.<sup>1</sup> Plaintiffs’ claims have been resolved, repeatedly, at great

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28 <sup>1</sup> Plaintiffs’ only new arguments appear to be that this Court: (1) misapplied the doctrine  
of res judicata because previous complaints are void; and (2) “engaged in conduct that

1 cost to the courts, taxpayers, and dozens of defendants.

2 As noted in the Court’s Order granting Plaintiffs’ Motion to Allow Electronic Filing  
3 by a Party Appearing Without an Attorney, “[a]ny misuse of the ECF system will result in  
4 immediate discontinuation of this privilege and disabling of the password assigned to the  
5 party.” (Doc. 105 at 2.) Plaintiffs’ excessive filings in this case have resulted in 182 docket  
6 entries, and Plaintiffs ignored the Court’s instruction to file only an answer to the Court’s  
7 show cause order. Therefore, the Court will revoke Rynn’s permission to file electronically  
8 by use of the ECF system.

9 Accordingly,

10 **IT IS ORDERED:**

11 1. Under Rule 11 and its inherent powers, the Court imposes monetary  
12 sanctions in the amount of \$1,000.00 on each Plaintiff, Richard Rynn, Gelliana Rynn, and  
13 Marcella Rynn, for a total of \$3,000.00, payable to the Court.

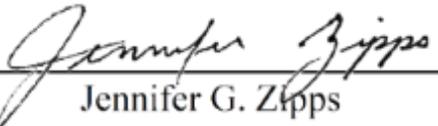
14 2. Plaintiffs’ pending Motions (Docs. 178, 179, 180) are **denied**.

15 3. Plaintiffs’ Application for Entry of Default against Candy Zammit is **denied**.  
16 (*See* Doc. 174 at 9 & n.8.)

17 4. Richard Rynn’s ECF privileges are terminated.

18 5. The Clerk of Court shall close the file in this action.

19 Dated this 8th day of March, 2025.

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23 Jennifer G. Zipp  
24 Chief United States District Judge  
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compromises impartiality.” (Doc. 179 at 2–5.) These arguments misapprehend the law and  
lack factual support.