

1 On May 20, 2010, in Case Nos. CV 10-3599-CJC (RC) and CV 10-3705-CJC (RC), the
2 Court ordered petitioner to show cause why he should not be declared a vexatious litigant in light
3 of his filing of numerous habeas petitions in this Court. (See Docket Entry No. 7, Case No. CV
4 10-3599-CJC (RC), at 4-6; Docket Entry No. 3, Case No. CV 10-3705-CJC (RC), at 4-6). As of
5 June 7, 2010, petitioner had failed to file any objections to the May 20, 2010, Orders, and the
6 Magistrate Judge “determined [petitioner] to be a vexatious litigant, within the meaning of Local
7 Rule 83-8.1.” (See Docket Entry No. 10, Case No. CV 10-3599-CJC (RC); Docket Entry No. 6,
8 Case No. CV 10-3705-CJC (RC)). The Orders state that no further habeas corpus petitions from
9 petitioner are to be filed with the Court “without the payment of the filing fee and without prior
10 written authorization from a District Judge or Magistrate Judge issued upon such showing of
11 evidence as required.” (Id.) Local Rule 83-8.2 provides that orders to control the conduct of a
12 vexatious litigant “may include, without limitation, a directive to the Clerk not to accept further
13 filings from the litigant without payment of normal filing fees and/or without written authorization
14 from a judge of the Court or a Magistrate Judge, issued upon such showing of the evidence
15 supporting the claim as the judge may require.” Local Rule 83-8.2.

16 In seeking to file the instant Petition, petitioner has not paid the requisite filing fee, and has
17 not obtained written authorization from a District Judge or Magistrate Judge of the Court to file the
18 Petition. Moreover, petitioner does not appear through the instant Petition to seek such
19 authorization, as petitioner merely completed the form Petition for Writ of Habeas Corpus by a
20 Person in State Custody and attached the following documents: four Petitions for Writ of Habeas
21 Corpus that petitioner filed with the California Supreme Court in 2010 (Petition, Exs. 1-4), as well
22 as the California Supreme Court’s four decisions denying the petitions (Petition, Ex. 1 at 1; Ex. 2
23 at 1; Ex. 3 at 1; Ex. 4 at 1); and three California Court of Appeal decisions -- the first and second
24 denying Petitions for Writ of Habeas Corpus filed by petitioner, and the third denying petitioner’s
25 motion for reconsideration of an earlier decision by the California Court of Appeal. (Petition, Ex.

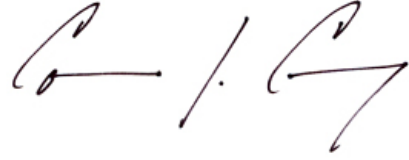
26
27 ¹(...continued)

28 CV 97-0009-HLH (RC); CV 02-8355-PA (RC); CV 03-5306-CJC (RC); CV 04-3682-RT (RC); CV
10-2994-CJC (RC); CV 10-3599-CJC (RC); and CV 10-3705-CJC (RC)).

1 1 at 9; Ex. 4 at 8, 11). As petitioner has not satisfied the requirements set forth in the June 7,
2 2010, Order, the instant Petition should not have been filed, and is subject to dismissal.

3 IT IS THEREFORE ORDERED that this action be **dismissed without prejudice**.

4
5 DATED: September 21, 2011



6
7 HONORABLE CORMAC J. CARNEY
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28