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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

GERALDINE PIERCE, et al.,  
Plaintiffs,  
v.  
DONALD J. TRUMP, et al.,  
Defendants.

Case No. CV 17-07267-R (RAO)

**ORDER VACATING FEBRUARY 27,  
2018 ORDER AND JUDGMENT;  
REOPENING CASE; AND  
ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE**

On February 2, 2018, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending dismissal of the Complaint. Dkt. No. 38. Objections to the Report were due on February 22, 2018. Dkt. No. 37. On February 27, 2018, the Court accepted the Report, dismissed the action, and entered judgment. Dkt. Nos. 40-41.

At the time the Court entered judgment, no Objections had been entered on the docket. However, the Court is now aware that Objections were timely filed. The Objections were mailed on February 21, 2018, and received by the Court mailroom on February 23, 2018. *See* Dkt. No. 42. The Objections were entered on the docket on March 2, 2018. *See id.* Because the Court had not considered the timely-filed Objections in its prior order accepting the Report, the Court finds it appropriate to reopen the case to consider the Objections. The February 27, 2018

1 Order Accepting Report and Recommendation (Dkt. No. 40) and Judgment (Dkt.  
2 No. 41) are VACATED. The action is REOPENED for the purpose of considering  
3 the Objections to the Report.

4 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint (Dkt. No.  
5 1), all of the other records and files herein, and the Report. Further, the Court  
6 engaged in a *de novo* review of those portions of the Report to which Plaintiff  
7 objected.

8 Plaintiff objects to the dismissal of the case, setting forth various arguments  
9 regarding standing and joinder. The Objections do not dispute that Seavon Pierce  
10 has prepared the documents in this case, or that Geraldine Pierce has filed the  
11 Complaint and other documents on behalf of and at the request of her son, Seavon.  
12 Based on the representations made by Geraldine to the Magistrate Judge at the  
13 February 1, 2018 hearing, and the similarities between the filings in this case and  
14 the filings in other actions brought by Seavon, the Court finds that Seavon is  
15 attempting to sidestep the Vexatious Litigant Order<sup>1</sup> by having his mother,  
16 Geraldine, file his documents in this Court. The Court has the authority to dismiss  
17 the action as a violation of the Vexatious Litigant Order. *See Ryan v. Hyden*, No.  
18 12cv14890MMA (BLM), 2012 WL 4793116, at \*3-4 (S.D. Cal. Oct. 9, 2012)  
19 (finding case may be properly dismissed where it was “abundantly clear” that  
20 vexatious litigant was using his parents to sidestep a vexatious litigant order).

21 The Court clarifies that the dismissal is without prejudice to Seavon Pierce  
22 requesting leave to file a complaint pursuant to the Vexatious Litigant Order and  
23 without prejudice to Geraldine Pierce filing a complaint on her own behalf.

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27 <sup>1</sup> *Seavon Pierce v. The U.S. Government, et al.*, CV 16-8010-VAP (JEM), Dkt. No.  
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Accordingly, the Court is not persuaded by Plaintiff's Objections. The Court hereby accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge.

IT IS ORDERED that this action is DISMISSED without prejudice.

DATED: March 6, 2018



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MANUEL L. REAL  
UNITED STATES DISTRICT JUDGE