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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JANETTA SCONIERS,

Plaintiff,

vs.

CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES, et al.,

Defendants.

Case No. 1:06-cv-01260-AWI-LJO

**ORDER DENYING PLAINTIFF'S
REQUEST TO PROCEED *IN FORMA*
PAUPERIS IN SIX FRIVOLOUS
APPEALS**

JANETTA SCONIERS,

Plaintiff,

vs.

CLARENCE WHITMORE, JR., et al.,

Defendants.

Case No. 1:08-cv-01288-LJO-SMS

JANETTA SCONIERS,

Plaintiff,

vs.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

Case No. 1:08-cv-01289-AWI-DLB

1 TIYEONDREA McGLOTHIN, et al.,

Case No. 1:08-cv-01290-LJO-GSA

2 Plaintiffs,

3 vs.

4 MARIO SANTOS, et al.,

5 Defendants.

6 _____ /
JANETTA SCONIERS,

Case No. 1:09-cv-02168-LJO-SKO

7 Plaintiff,

8 vs.

9 CLARENCE WHITMORE, JR., et al.,

10 Defendants.

11 _____ /
JANETTA SCONIERS,

Case No. 1:10-cv-01130-AWI-SMS

12 Plaintiff,

13 vs.

14 M. BRUCE SMITH, et al.,

15 Defendants.

16 _____ /
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19 On February 22, 2012, Plaintiff Janetta Sconiers filed a notice of appeal in each of the six
20 above-entitled cases, requesting waiver of the filing fee for each appeal. Because each appeal is
21 frivolous and malicious, the Court denies Plaintiff's request for waivers of the filing fees.

22 On January 23, 2012, Plaintiff Janetta Sconiers filed motions for relief from judgment in
23 each of the six above-entitled actions. In compliance with this Court's order of December 13,
24 2011 in *Sconiers v. Fresno County Superior Court* (Case No. 1:11-cv-00113-LJO-SMS), which
25 declared Plaintiff Janetta Sconiers a vexatious litigant and ordered pre-filing review of any
26 complaint, motion, or other legal document lodged with this Court, the Court reviewed Plaintiff's
27 motions and found each to be frivolous and malicious in that its purpose was to challenge the
28 Court's authority and to litigate matters that Plaintiff Sconiers was foreclosed from litigating in

1 *Sconiers v. Fresno County Superior Court* (Case No. 1:11-cv-00113-LJO-SMS). Among other
2 things, each motion was untimely under F.R.Civ.P. 60(c)(1), in most cases by several years.
3 Accordingly, the Court struck each of the six motions.

4 Permitting litigants to proceed *in forma pauperis* is a privilege, not a right. *Franklin v.*
5 *Murphy*, 745 F.2d 1221, 1231 (9th Cir. 1984); *Williams v. Field*, 394 F.2d 329, 332 (9th Cir.), *cert.*
6 *denied*, 393 U.S. 891 (1968); *Williams v. Marshall*, 795 F.Supp. 978, 978-79 (N.D. Cal. 1992).
7 A federal court may dismiss a claim filed *in forma pauperis* prior to service if it is satisfied that
8 the action is frivolous or malicious. 28 U.S.C. § 1915(d); *see Sully v. Lungren*, 842 F.Supp.
9 1230, 1231 (N.D. Cal. 1994). If a plaintiff with *in forma pauperis* status brings a case without
10 arguable substance in law and fact, the court may declare the case frivolous. *Franklin*, 745 F.2d
11 at 1227.

12 Accordingly, it is hereby ORDERED that:

- 13 1. Each of the six above-titled appeals is declared frivolous;
- 14 2. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma*
15 *pauperis* in her appeal of *Sconiers v. California Department of Social Services*,
16 1:06-cv-01260-AWI-LJO;
- 17 3. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma*
18 *pauperis* in her appeal of *Sconiers v. Whitmore*, 1:08-cv-01288-LJO-SMS;
- 19 4. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma*
20 *pauperis* in her appeal of *Sconiers v. Schwarzenegger*, 1:08-cv-01289-AWI-DLB;
- 21 5. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma*
22 *pauperis* in her appeal of *McGlothin v. Santos*, 1:08-cv-01290-LJO-GSA;
- 23 6. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma*
24 *pauperis* in her appeal of *Sconiers v. Whitmore*, 1:09-cv-02168-LJO-SKO;
- 25 7. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma*
26 *pauperis* in *Sconiers v. Smith*, 1:10-cv-01130-AWI-SMS;
- 27 8. Pursuant to Federal Rule of Appellate Procedure 24(a)(4), this Order serves as
28 notice to the parties and the United States Court of Appeals for the Ninth Circuit

1 of the finding that Plaintiff is not entitled to proceed *in forma pauperis* for these
2 six appeals;

3 9. The Clerk of Court is directed to collect from Plaintiff the filing fee of \$455.00 for
4 each of her six appeals, for a total amount due of \$2730.00; and

5 10. The Clerk of Court is directed to serve a copy of this Order on Plaintiff and on the
6 United States Court of Appeals for the Ninth Circuit.

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8 IT IS SO ORDERED.

9 **Dated:** February 23, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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