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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 JANETTA SCONIERS,

CASE NO. 1:11-cv-00113-LJO-SMS

APPEAL NO.

10 Plaintiff,

11 ORDER DENYING PLAINTIFF'S REQUEST
12 TO FILE APPEAL *IN FORMA PAUPERIS*

13 v.

14 JUDICIAL COUNCIL OF CALIFORNIA,
15 et al.,

(Doc. 37)

16 Defendants.
17 _____/

18 Plaintiff has requested waiver of the filing fee for a second interlocutory appeal in the
19 above-captioned case. Because the appeal is not taken in good faith, Plaintiff's motion to file an
20 appeal *in forma pauperis* must be denied.

21 **Procedural History**

22 On January 21, 2011, Plaintiff, by her attorney, Ralston L. Courtney, filed a 569-page
23 complaint against 67 named defendants and 50 "John Doe" defendants alleging numerous causes
24 of action and seeking multiple forms of relief. Courtney failed to sign the complaint, in violation
25 of F.R.Civ.P. 11. Accordingly, on January 24, 2011, the District Court struck the complaint.

26 The Court directed:
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1 Should Plaintiff and Attorney Courtney elect to sign and re-file the complaint at a
2 later date, they are directed to review carefully the representations that an attorney
3 or unrepresented plaintiff make to the Court by signing a complaint (F.R.Civ.P.
4 11(b)) and the potential sanctions for misrepresentations to the Court (F.R.Civ.P.
5 11(c)). Plaintiff and Attorney Courtney may also wish to review and carefully
6 consider F.R.Civ.P. 8(a), which requires that a complaint include short and plain
statements setting forth the grounds for the Court's jurisdiction and short and
plain statements of the claim showing that the Plaintiff is entitled to relief. "Each
allegation must be simple, concise, and direct." F.R.Civ.P. 8(d)(1).

7 Doc. 5.

8 When Plaintiff had taken no action by March 4, 2011, the Magistrate Judge issued an
9 Order to Show Cause Why the Case Should not Be Dismissed for Failure to Prosecute, with a
10 return date of March 30, 2011. On March 10, 2011, Plaintiff responded by re-filing the original
11 complaint, ostensibly signed by Attorney Courtney; filing two motions to disqualify District
12 Judges Anthony W. Ishii, Lawrence J. O'Neill, and Oliver W. Wanger, which requested
13 monetary damages and multiple forms of equitable relief; and filing a motion for an order
14 directing the Clerk of Court to issue summonses in the action. On March 12, 2011, Plaintiff filed
15 an order captioned as a motion for continuance of the order to show cause, the body of which
16 again moved for an order requiring the Clerk of Court to issue summonses in this action. The
17 Magistrate Judge denied Plaintiff's motion for a continuance on March 14, 2011.
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19 On March 25, 2011, Plaintiff filed a notice of interlocutory appeal (No. 11-15828).
20 Plaintiff also moved for a stay of the order to show cause pending the outcome of her appeal. On
21 March 28, 2011, the Magistrate Judge stayed the order to show cause pending resolution of the
22 interlocutory appeal.
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24 On May 27, 2011, the Court of Appeals dismissed Plaintiff's appeal for failure to respond
25 to its order of April 25, 2011, which directed Plaintiff to perfect her appeal. Accordingly, on
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1 June 1, 2011, the Magistrate Judge lifted the stay on the pending District Court action and
2 entered an order to show cause why the case should not be dismissed for failure to comply with
3 the Federal Rules of Civil Procedure, returnable on July 29, 2011. On July 4, 2011, Plaintiff (1)
4 moved twice for a more definite statement; (2) moved for an order directing the Clerk of Court to
5 issue summonses and for monetary damages and injunctive relief; and (3) moved to disqualify all
6 District Judges and Magistrate Judges of the District Court for the Eastern District of California.
7 On July 21, 2011, Plaintiff moved for a preliminary injunction to stay the July 29, 2011 hearing
8 on the order to show cause. On July 25, 2011, Plaintiff filed a second motion for interlocutory
9 appeal, contending that the District Court erred in striking her unsigned complaint without notice
10 or hearing. PThe appeal also alleges a conspiracy by the Eastern District Court of California to
11 deny Plaintiff equal protection of the laws.
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14 **Certification**

15 Plaintiff's appeal having clearly been frivolously taken to delay the order to show cause
16 intended to identify and resolve the Rule 8 and 11 violations in her complaint, this Court
17 **HEREBY CERTIFIES** that Plaintiff's appeal is not taken in good faith.
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20 IT IS SO ORDERED.

21 **Dated: July 26, 2011**

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