

1 without basis in law or fact. Id. (“Plaintiff is further forewarned that filing a complaint based
2 upon facts and law that have no reasonable basis may result in further sanctions, including but not
3 limited to an order to pay a penalty to the Court.”). Plaintiff failed to heed the Court’s warning
4 and filed this similar frivolous claim shortly after the findings and recommendations issued.
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6 The Court has inherent power to sanction parties or their attorneys for improper conduct.
7 Chambers v. Nasco, Inc., 501 U.S. 32, 43-46 (1991); Roadway Express, Inc. v. Piper, 447 U.S.
8 752, 766 (1980); Fink v. Gomez, 239 F.3d 989, 991 (9th Cir. 2001). The imposition of sanctions
9 under the Court’s inherent authority is discretionary. Air Separation, Inc. v. Underwriters at
10 Lloyd’s of London, 45 F.3d 288, 291 (9th Cir. 1995). A court’s inherent powers “are governed
11 not by rule or statute but by the control necessarily vested in courts to manage their own affairs so
12 as to achieve the orderly and expeditious disposition of cases.” Chambers, 501 U.S. at 43. Such
13 inherent power “is not a broad reservoir of power, ready at an imperial hand, but a limited source;
14 an implied power squeezed from the need to make the court function.” Id. at 42. “Because
15 inherent powers are shielded from direct democratic controls, they must be exercised with
16 restraint and discretion.” Roadway Express, Inc., 447 U.S. at 764.
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18 The Court’s “inherent power ‘extends to a full range of litigation abuses.’” Fink, 239 F.3d
19 at 992 (quoting Chambers, 501 U.S. at 46-47). However, in order to sanction a litigant under the
20 Court’s inherent powers, the Court must make a specific finding of “bad faith or conduct
21 tantamount to bad faith.” Fink, 239 F.3d at 994. Although mere recklessness is insufficient to
22 support sanctions under the Court’s inherent powers, “recklessness when combined with an
23 additional factor such as frivolousness, harassment, or an improper purpose” is sufficient. Id. at
24 993-94. A litigant may be sanctioned for acting for an improper purpose, even if the act was “a
25 truthful statement or nonfrivolous argument or objection.” Id. at 992.
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1 Here, Plaintiff's constant bad faith filings requires members of the clerk's office, who are
2 limited in staffing with increased responsibilities due to budget constraints, to process plaintiff's
3 numerous frivolous filings. Further, Plaintiff's claim delays this Court from addressing matters
4 brought in federal court in good faith. The entire Court's time is better spent addressing matters
5 brought in good faith. See Snyder v. I.R.S., 596 F. Supp. 240, 252 (N.D. Ind. 1984) (“[T]he
6 doors of this courthouse are open to good faith litigation, but abuse of the judicial process . . . will
7 not be tolerated.”). Similarly, Plaintiff's constant frivolously filings will not be tolerated.

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9 Accordingly, the Court finds that Plaintiff filed this complaint in bad faith without any
10 basis in law or fact. Plaintiff received notice in this Court's previous findings and
11 recommendations that the filing of such complaints may result in monetary sanctions.

12 Accordingly,

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14 IT IS HEREBY ORDERED that:

- 15 1. Plaintiff is assessed monetary sanctions in the amount of \$100.00 for filing a
16 frivolous claim in bad faith;
- 17 2. The sanction amount shall be paid to the Court within forty-five (45) days from the
18 date of service of this order; and
- 19 3. The failure to pay the sanction in accordance with this order may result in the
20 imposition of additional sanctions.

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22 IT IS SO ORDERED.

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24 Dated: June 12, 2013

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27 UNITED STATES MAGISTRATE JUDGE
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