



1 **II. Plaintiff's Claims**

2 **A. The First Amended Complaint**

3 In the First Amended Complaint (“FAC”), Plaintiff alleges that he was previously subject  
4 to a *Keyhea* order<sup>2</sup> and received antipsychotic medications which were discontinued because he  
5 experienced a number of negative side effects. Plaintiff alleges that, subsequently, Defendants A.  
6 Podsakoff, L. Lawrence, B. Stringer, J. Medina, J. Juarez, and R. Mendoza surreptitiously taint  
7 his food with antipsychotic medications. Plaintiff provides specific dates on which these  
8 Defendants tainted his food and describes the adverse effects he experienced which were similar  
9 to the negative side effects which resulted in the State Court vacating the *Keyhea* order. Plaintiff  
10 further alleges that Defendant Nurse Gonzales provided antipsychotic medication that was used to  
11 taint his meals between August 13, 2015, and April 4, 2016. Plaintiff also alleges that J. Medina,  
12 J. Juarez, and R. Mendoza denied him meals on various dates so that he would be hungry and eat  
13 the next heavily medicated meal he was provided.

14 Plaintiff consented to Magistrate Judge jurisdiction a few months after initiating this  
15 action. (Doc. 16.) On February 13, 2017, the undersigned screened the FAC and found  
16 Plaintiff’s claim cognizable against A. Podsakoff, L. Lawrence, B. Stringer, J. Medina, J. Juarez,  
17 R. Mendoza, and Nurse Gonzales for involuntarily medicating Plaintiff’s meals with  
18 antipsychotic medication without a *Keyhea* order. (Doc. 28.) That same order dismissed  
19 Plaintiff’s request for injunctive relief and his retaliation and conditions of confinement claims as  
20 not cognizable; dismissed Lassey and E. Garza since they were not linked to Plaintiff’s factual  
21 allegation; and dismissed Sgt. D. Hernandez since none of the claims against him were  
22 cognizable. (*Id.*)

23 **B. *Williams v. King***

24 On November 9, 2017, the Ninth Circuit Court of Appeals ruled that 28 U.S.C. §  
25 636(c)(1) requires the consent of all parties named in a civil case before a Magistrate Judge’s  
26 jurisdiction vests for dispositive purposes. *Williams v. King*, 875 F.3d 500 (9th Cir. 2017). As

27 <sup>2</sup> *Keyhea v. Rushen*, 178 Cal.App.3d 526, 542 (Cal. Ct. App. 1986), set forth the substantive and procedural  
28 safeguards which must be adhered to when the state seeks to involuntarily medicate state prisoners with long-term  
psychotropic medications. Such courts orders are commonly known as “*Keyhea* orders.”

1 such, a Magistrate Judge lacks jurisdiction to dismiss parties, claims, or a case based solely on a  
2 plaintiff's consent. *Id.* Here, the defendants were not yet served when that the First Amended  
3 Complaint was screened, and had neither appeared nor consented to Magistrate Judge  
4 jurisdiction. Because the named defendants had not consented, the screening and dismissal of  
5 this action is invalid under *Williams*. The undersigned stands by the analysis in the order that  
6 screened the First Amended Complaint (*see* Doc. 28) and recommends that this action continue to  
7 proceed solely on Plaintiff's claim against A. Podsakoff, L. Lawrence, B. Stringer, J. Medina, J.  
8 Juarez, R. Mendoza, and Nurse Gonzales for involuntarily medicating Plaintiff's meals with  
9 antipsychotic medication without a *Keyhea* order, and that all other claims and defendants be  
10 dismissed.

11 **III. Defendants' Motion for Order Requiring Security**

12 **A. Introduction**

13 Defendants seek to have Plaintiff ordered to post security under this Court's Local Rule  
14 151(b), based on Plaintiff's litigation history and designation of Plaintiff as a vexatious litigant  
15 and the pre-filing order entered on May 11, 2012, in Kings County Superior Court case number  
16 11C 0144. (Doc. 49.)

17 **B. Legal Standard**

18 Local Rule 151(b) states:

19 On its own motion or on motion of a party, the Court may at any time order a party  
20 to give a security, bond, or undertaking in such amount as the Court may  
21 determine to be appropriate. The provisions of Title 3A, part 2, of the California  
22 Code of Civil Procedure, relating to vexatious litigants, are hereby adopted as a  
procedural Rule of this Court on the basis of which the Court may order the giving  
of a security, bond, or undertaking, although the power of the Court shall not be  
limited thereby.

23 This procedural rule allows courts in this district to impose payment of a security<sup>3</sup> upon a finding  
24 of vexatiousness. However, Defendants do not cite any authority stating that Local Rule 151(b)  
25 allows this Court to rely solely on such a finding by a state court, ignoring federal substantive law  
26 requirements to determine vexatiousness—and the Court finds none. Defendants also fail to cite

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28 <sup>3</sup> California law allows a defendant to “move the court, upon notice and hearing, for an order requiring the  
plaintiff to furnish security....” Cal. Civ. Proc. Code § 391.1.

1 authority to require posting a security under 151(b) without a finding of vexatiousness under  
2 federal substantive law—which the Court likewise has not found. *See Smith v. Officer Sergeant*,  
3 2016 WL 6875892, at \*2 (E.D. Cal., Nov. 21, 2016) (the court looks to federal law, not state law,  
4 to define a vexatious litigant”); *see also Cranford v. Crawford*, 2016 WL 4536199, at \*3 (E.D.  
5 Cal., Aug. 31, 2016) (“ . . . the state statutory definition of vexatiousness is not enough to find a  
6 litigant vexatious in federal court.”); *Goolsby v. Gonzales*, 2014 WL 2330108, at \*1-2 (E.D. Cal.,  
7 May 29, 2014) *report and recommendation adopted* 2014 WL 3529998 (E.D. Cal., July 15, 2014)  
8 (“Under federal law, however, the criteria under which a litigant may be found vexatious is much  
9 narrower. While Local Rule 151(b) directs the Court to look to state law for the *procedure* in  
10 which a litigant may be ordered to furnish security, this Court looks to federal law for the  
11 definition of vexatiousness, and under federal law, the standard for declaring a litigant vexatious  
12 is more stringent. . . . [T]he mere fact that a plaintiff has had numerous suits dismissed against  
13 him<sup>4</sup> is an insufficient ground upon which to make a finding of vexatiousness.”).

14 This Court has inherent power under the All Writs Act, 28 U.S.C. § 1651 to enter pre-  
15 filing orders against vexatious litigants, *De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir.  
16 1990); *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007), and to sanction  
17 parties or their attorneys for improper conduct. *Chambers v. Nasco, Inc.*, 501 U.S. 32, 43-46  
18 (1991); *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766 (1980); *Fink v. Gomez*, 239 F.3d 989,  
19 991 (9th Cir. 2001). This sanction authority is discretionary, *Air Separation, Inc. v. Underwriters*  
20 *at Lloyd’s of London*, 45 F.3d 288, 291 (9th Cir. 1995), and ““extends to a full range of litigation  
21 abuses,”” *Fink*, 239 F.3d at 992 (quoting *Chambers*, 501 U.S. at 46-47).

22 Sanctions may be imposed under a court’s inherent authority on “parties appearing before  
23 it for acting in bad faith, vexatiously, wantonly, or for oppressive reasons,” *Sassower v. Field*,  
24 973 F.2d 75, 81-82 (2d Cir. 1992), *cert. denied*, 507 U.S. 1043 (1993), as well as for delaying or  
25 disrupting litigation, or for taking actions in the litigation for an improper purpose -- all of which  
26 are abusive of the judicial process, *Chambers*, 501 U.S. at 43-45. However, because of their very  
27 potency, inherent powers must be exercised with restraint and discretion. *Id.*, at 44. The litigant

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28 <sup>4</sup> Under California law, a vexatious litigant is merely one who “[i]n the immediately preceding seven-year period  
has commenced, prosecuted, or maintained in *propria persona* at least five litigations other than in small claims court  
that have been . . . finally determined adversely to the person. . . .” Cal. Civ. Proc. Code § 391(b)(1).

1 to be sanctioned must be found to have engaged either “in bad faith or willful disobedience of a  
2 court’s order,” *id.*, at 46-47, or conduct which constitutes, or is tantamount to, bad faith, *Roadway*  
3 *Express*, 447 U.S. at 767; *Miller v. City of Los Angeles*, 661 F.3d 1024, 1036 (9th Cir. 2011);  
4 *Gomez v. Vernon*, 255 F.3d 1118, 1134 (9th Cir. 2001), *cert. denied*, 534 U.S. 1066 (2001); *Fink*,  
5 at 993-94.

6 “Bad faith” means a party or counsel acted “vexatiously, wantonly or for oppressive  
7 reasons.” *Chambers*, 501 U.S. at 45-46. Bad faith “does not require that the legal and factual  
8 basis for the action prove totally frivolous; where a litigant is substantially motivated by  
9 vindictiveness, obduracy, or mala fides, the assertion of a colorable claim will not bar assessment  
10 of attorneys’ fees.” *Mark Ind., Ltd. v. Sea Captain’s Choice, Inc.*, 50 F.3d 730, 732 (9th Cir.  
11 1995) (internal quotation marks and citations omitted).

12 Under federal law, litigiousness alone is insufficient to support a finding of vexatiousness.  
13 *See Moy v. United States*, 906 F.2d 467, 470 (9th Cir. 1990) (the plaintiff’s claims must not only  
14 be numerous, but also be patently without merit). The focus is on the number of suits that were  
15 frivolous or harassing in nature, rather than merely on the number of suits that were adversely  
16 decided. *See De Long*, 912 F.2d at 1147-48 (before a district court issues a pre-filing injunction  
17 against a *pro se* litigant, the court must find the litigant’s actions frivolous or harassing). The  
18 Ninth Circuit has defined vexatious litigation as “without reasonable or probable cause or excuse,  
19 harassing, or annoying.” *Microsoft Corp. v. Motorola, Inc.*, 696 F.3d 872, 886 (9th Cir. 2012).  
20 Accordingly, the mere fact that a party has had numerous prior suits dismissed is insufficient to  
21 find him vexatious under Ninth Circuit precedent.

22 **C. Defendants’ Request for Judicial Notice**

23 Defendants ask the court to take judicial notice that the Superior Court of Kings County  
24 declared Plaintiff a vexatious litigant and a pre-filing order was entered in case number 11 C 0144  
25 on May 11, 2012. (Doc. 49-5, RJN, Ex. A.) Defendants further request that judicial notice be  
26 taken of the following cases filed by Plaintiff raising allegations of prison staff involuntarily  
27 medicating his meals: *Gonzales v. Cambra, et al.* (N.D. Cal. Case No. 3:97-cv-00761), dismissed  
28 with prejudice as duplicative of Plaintiff’s claims in two other actions; *Gonzales v. Galaza, et al.*  
(E.D. Cal. Case No. 1:00-cv-06028) dismissed for failure to state a claim; *Gonzales v. Leal* (E.D.

1 Cal. Case No. 1:10-cv-02154), dismissed for failure to state a claim; *Gonzales v. Galaza* (E.D.  
2 Cal. Case No. 1:00-cv-06959), second amended complaint dismissed for failure to exhaust with  
3 leave to amend granted to clarify exhaustion efforts and five extensions of time granted to file a  
4 third amended complaint; case voluntarily dismissed; *Gonzales v. Calderon, et al.* (E.D. Cal. Case  
5 No. 1:01-cv-05916), Plaintiff filed a voluntary dismissal following dismissal with leave to amend;  
6 *Gonzales v. Tomlin, et al.* (E.D. Cal. Case No. 1:03-cv-05363), issue of food medication  
7 abandoned and proceeded on claim of excessive force in an amended complaint; *Gonzales v.*  
8 *Fresura, et al.* (E.D. Cal. Case No. 1:07-cv-00565), dismissed with prejudice for Plaintiff's  
9 failure to obey a court order by filing an amended complaint; *Gonzales v. Price* (E.D. Cal. Case  
10 No. 1:07-cv-01391), Plaintiff agreed to proceed on other cognizable claims that did not involve  
11 involuntary medication of his food; *Gonzales v. Villalovos* (Kings County Superior Court Case  
12 No. 11C0027), Plaintiff's federal causes of action including mail tampering, theft, and medicated  
13 food barred by *res judicata* and plaintiff's pattern and practice of asserting the same claims in  
14 multiple lawsuits; and *Gonzales v. Cortez et al.* (E.D. Cal. Case No. 1:10-cv-00393), Plaintiff did  
15 not amend claim that his food was being medicated, but obtained a settlement on other claims.

16 Defendants also request that judicial notice be taken of the order and judgment in  
17 *Gonzales v. Castro*, E.D. Cal. Case No. 1:09-cv-01545 (*id.*, Ex. C) and in *Gonzales v. Cortez, et*  
18 *al.*, E.D. Cal. Case No. 1:10-cv-01314 (*id.*, Ex. D), the docket, findings and recommendations,  
19 order and judgment in *Gonzales v. Buenafe, et al.*, E.D. Cal. Case No. 1:11-cv-01827 (*id.*, Ex. H),  
20 and the Ninth Circuit docket, motion to voluntarily dismiss appeal, and order dismissing appeal in  
21 *Gonzales v. Buenafe, et al.*, Ninth Circuit Case No. 14-15127 (*id.*, Ex. I). Judicial notice may be  
22 taken of undisputed matters of public record, including documents on file in federal or state  
23 courts. Fed.Rules Evid.Rule 201, 28 U.S.C.A.; *Harris v. County of Orange*, 682 F.3d 1126,  
24 1131-32 (2012). Accordingly, Defendants' request for judicial notice of all of the above (Doc.  
25 49-5) is GRANTED.

26 **D. Discussion**

27 Defendants argue that since Plaintiff meets California's vexatious litigant definition, this  
28 Court is allowed to require Plaintiff to post security. (Doc. 49-1, pp. 2-4.) Defendants rely,

1 almost exclusively on California law and do not address federal substantive law requirements to  
2 show bad faith or willful disobedience of a court's order by Plaintiff. (*See generally* Doc. 49-1.)  
3 The only evidence and arguments submitted by Defendants show that, in 2012, Plaintiff was  
4 declared a vexatious litigant in California and that he has filed a number of lawsuits which have  
5 been dismissed for various reasons over the years. (*See generally* Doc. 49-1.)

6 Of the cases cited by Defendants, only six were dismissed with prejudice for Plaintiff's  
7 failure to state a cognizable claim, or duplicity of claims. (*See Gonzales v. Galaza, et al.*, E.D.  
8 Cal. Case No. 1:00-cv-06028; *Gonzales v. Leal*, E.D. Cal. Case No. 1:10-cv-02154; *Gonzales v.*  
9 *Villalovos, et al.*, Kings County Superior Court Case No. 11C0027, demurrer sustained without  
10 leave to amend; *Gonzales v. Cambra, et al.*, N.D. Cal. Case No. 3:97-cv-00761, dismissed with  
11 prejudice as duplicative of Plaintiff's claims in two other actions; *Gonzales v. Price, et al.*, E.D.  
12 Cal. Case No. 1:07-cv-01391, dismissed based on claim duplicity and a Rule 11(b)(3) violation;  
13 and *Gonzales v. Buenafe, et al.*, E.D. Cal. Case No. 1:11-cv-01827, dismissed for claim  
14 duplicity.) Plaintiff filed voluntary dismissals in three of the cases listed by Defendants. (*See*  
15 *Gonzales v. Galaza*, E.D. Cal. Case No. 1:00-cv-06959; *Gonzales v. Calderon, et al.*, E.D. Cal.  
16 Case No. 1:01-cv-05916; and *Gonzales v. Buenafe, et al.*, Ninth Circuit Case No. 14-15127.) In  
17 three of the cases listed by Defendants, Plaintiff abandoned his claims of food tampering and  
18 proceeded on other claims and obtained a settlement in one of those actions. (*See Gonzales v.*  
19 *Tomlin, et al.*, E.D. Cal. Case No. 1:03-cv-05363; *Gonzales v. Price*, E.D. Cal. Case No. 1:07-cv-  
20 01391; and *Gonzales v. Cortez et al.*, E.D. Cal. Case No. 1:10-cv-00393 (case settled).) One case  
21 was dismissed for Plaintiff's failure to obey a court order by not filing an amended complaint.  
22 (*See Gonzales v. Fresura, et al.*, E.D. Cal. Case No. 1:07-cv-00565.) Three were dismissed  
23 because Plaintiff failed to pay the filing fee or to post security. (*See Gonzales v. Castro*, E.D.  
24 Cal. Case No. 1:09-cv-01545; *Gonzales v. Cortez, et al.*, E.D. Cal. Case No. 1:10-cv-01314; and  
25 *Gonzales v. Cortez, et al.*, Kings County Superior Court Case No. 11C0144.)

26 To sanction a litigant under the court's inherent powers, the Court must make a specific  
27 finding of "bad faith or conduct tantamount to bad faith." *Fink*, 239 F.3d at 994. Voluntary  
28 dismissal, either of a claim or an entire action, is not tantamount to bad faith. Failure to file an

1 amended complaint in compliance with a court’s order also does not equate to bad faith.  
2 Likewise, dismissal because Plaintiff could not afford to pay the filing fee or security is not bad  
3 faith—particularly since these dismissals were without prejudice to refile on payment of the  
4 appropriate fee. Finally, the fact that Plaintiff received a settlement in one of the actions listed by  
5 Defendants, *Gonzales v. Cortez et al.*, E.D. Cal. Case No. 1:10-cv-00393, although not on claims  
6 of food tainting soundly contradicts any argument of bad faith. Defendants have not argued, and  
7 the Court has no basis before it to make a specific finding of bad faith, or to declare Plaintiff a  
8 vexatious litigant under federal law.

9 Accordingly, defendants have failed to meet their burden to demonstrate that Plaintiff is a  
10 vexatious litigant under the applicable federal standards to warrant requiring security under Local  
11 Rule 151(b). Since defendants have failed to make a threshold showing that Plaintiff is a  
12 vexatious litigant under federal law, the Court declines to address defendants’ argument that  
13 Plaintiff is not likely to succeed on the merits in this case. Based on the foregoing, the Court  
14 recommends denying Defendants’ motion. The Court also recommends doing so without  
15 prejudice as Defendants may choose to file a motion requesting that Plaintiff be declared a  
16 vexatious litigant under federal standards. Because Defendants have not argued that Plaintiff is a  
17 bad faith litigant under federal law, the Court does not comment on the merits of such a motion.

18 **IV. Plaintiff’s Motion to Vacate the Vexatious Litigant Order**

19 Subsequent to the briefing of this motion, Plaintiff filed a request for this Court to issue an  
20 order vacating the pre-filing order and to be removed from California’s Judicial Council’s  
21 vexatious litigant list. (Doc. 62.) Plaintiff contends that he “does not have long left on vexatious  
22 litigant or 3 strikes status as he has been on said status for 6 years.” (*Id.*) Plaintiff states that  
23 prison officials are aware of his status and are taking advantage of it by assaulting him and  
24 medicating his meals. (*Id.*) Plaintiff does not cite any legal authority conferring jurisdiction on  
25 this Court to either remove him from California’s vexatious litigant list, or to remove strikes from  
26 Plaintiff’s past filings under the PLRA, and the Court finds none.

27 On the contrary, federal courts are courts of limited jurisdiction and are bound by the  
28 parameters of the case or controversy before them. *City of Los Angeles v. Lyons*, 461 U.S. 95,



1 102, 103 S.Ct. 1660, 1665 (1983); *Valley Forge Christian Coll. v. Ams. United for Separation of*  
2 *Church and State, Inc.*, 454 U.S. 464, 471 (1982). The pendency of this action does not give the  
3 Court jurisdiction over prison officials in general or over Plaintiff's legal status in this, or any  
4 other court. *See Summers v. Earth Island Institute*, 555 U.S. 488, 492-93 (2009); *Mayfield v.*  
5 *United States*, 599 F.3d 964, 969 (9th Cir. 2010). The Court's jurisdiction is limited to the parties  
6 in this action and to the cognizable legal claims upon which this action is proceeding. *Summers*,  
7 555 U.S. at 492-93; *Mayfield*, 599 F.3d at 969. Accordingly, Plaintiff's request to be removed  
8 from California's vexatious litigant list must be denied for lack of jurisdiction.

9 As Defendants correctly point out (*see* Doc. 63), in accordance with California Code of  
10 Civil Procedure section 391.7, the Judicial Council of California maintains the vexatious litigant  
11 list. Plaintiff may apply to vacate the pre-filing order and remove his name from the list. The  
12 application must be filed in the court in the case where the pre-filing order was entered, or in  
13 conjunction with a request to that court's presiding judge to file new litigation. Cal. Civ. Proc.  
14 Code § 391.8(a). That court may vacate the order and order removal of Plaintiff's name only  
15 upon a showing of a material change in the facts on which the court's order was based, and where  
16 "the ends of justice would be served" by vacating the order. Cal. Civ. Proc. Code § 391.8(c).  
17 Thus, since the Kings County Superior Court entered Plaintiff's pre-filing order, any application  
18 to vacate the order must be filed in Kings County Superior Court. (*Id.*) Plaintiff's request to be  
19 removed from California's vexatious litigant list should be denied as this Court lacks jurisdiction  
20 over the pre-filing order entered by Kings County Superior Court.

21 Plaintiff's request for a determination regarding strikes for future purposes of filing *in*  
22 *forma pauperis* under 28 U.S.C. § 1915(g) likewise exceeds this Court's jurisdiction. *Summers*,  
23 555 U.S. at 492-93; *Mayfield*, 599 F.3d at 969. Instead, whether any of Plaintiff's prior actions  
24 count as strikes is a determination to be made by each federal court on the filing of a new action.<sup>5</sup>  
25 *See Deleon v. Doe*, 361 F.3d 93, 95 (2d Cir. 2004) ("The designation of strikes has no practical  
26 consequences until a defendant in a prisoner's lawsuit raises the contention that the prisoner's suit

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28 <sup>5</sup> It is noteworthy that, regardless of Plaintiff's prior litigation history, Plaintiff is proceeding *in forma pauperis* in this action as his allegations were found sufficient to meet the imminent danger exception to the PLRA. (*See* Doc. 5.)

1 or appeal may not be maintained in forma pauperis pursuant to 28 U.S.C. § 1915 because the  
2 prisoner has accumulated three strikes. At that time, because a practical consequence turns on the  
3 answer to the question, a court will need to determine whether the prisoner should be charged  
4 with three strikes. Litigation over the issue at an earlier juncture would involve the courts in  
5 disputes that might never have any practical consequence. The resolution of such disputes is not  
6 a proper part of the judicial function.”); *see also Andrews v. King*, 398 F.3d 1113, 1119 n. 8 (9th  
7 Cir. 2005) (noting that district courts are not required to determine whether the prisoner’s case is  
8 frivolous, malicious or fails to state a claim and therefore will count as a future strike under §  
9 1915(g)); *Shabbazz v. Fischer*, No. 9:11-CV-0916 (TJM/ATB), 2012 WL3241653, at \*1  
10 (N.D.N.Y Aug. 7, 2012) (“In other words, a strike may not be assessed at the same time that the  
11 action or appeal is dismissed. Instead, it is up to a later judge to determine, when the time is right,  
12 whether three previously dismissed actions or appeals might constitute strikes.”); *Pough v.*  
13 *Grannis*, 08CV1498–JM (RBB), 2010 WL 3702421, at \*13 (S.D. Cal. July 16, 2010) (denying  
14 defendants’ request that the court designate a dismissal as a strike under § 1915(g) at the time of  
15 dismissal). Plaintiff’s request to no longer have three strikes under 28 U.S.C. § 1915(g) should  
16 also be denied for lack of jurisdiction.

### 17 RECOMMENDATIONS

18 For the reasons set forth above, this action should continue to proceed solely on Plaintiff’s  
19 claims against A. Podsakoff, L. Lawrence, B. Stringer, J. Medina, J. Juarez, R. Mendoza, and  
20 Nurse Gonzales for involuntarily medicating Plaintiff’s meals with antipsychotic medication in  
21 the absence of a *Keyhea* order, with all other claims and defendants dismissed. As Defendants’  
22 have not met their burden under federal law for an order to issue requiring Plaintiff to post  
23 security under Local Rule 151(b), their motion should be denied without prejudice. Finally, this  
24 Court lacks jurisdiction over Plaintiff’s request to be removed from California’s vexatious litigant  
25 list and to not be subject to three strikes for *in forma pauperis* purposes in future litigation.

26 Accordingly, it is HEREBY RECOMMENDED that:

- 27 1. this action proceed on Plaintiff’s claim in the First Amended Complaint against A.  
28 Podsakoff, L. Lawrence, B. Stringer, J. Medina, J. Juarez, R. Mendoza, and Nurse

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Gonzales for involuntarily medicating Plaintiff's meals with antipsychotic medication in the absence of a *Keyhea* order, and all other claims and defendants be dismissed;

2. Defendants' motion for an order requiring Plaintiff to pay a security under Local Rule 151(b) be denied without prejudice; and

3. Plaintiff's request to be removed from California's vexatious litigant list and to no longer have three strikes for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g), filed on November 9, 2017, (Doc. 62), be denied for lack of jurisdiction.

IT IS SO ORDERED.

Dated: February 13, 2018

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE