


FILED

APR 25 2017

1
2 **UNITED STATES DISTRICT COURT**
3 **EASTERN DISTRICT OF CALIFORNIA**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 
DEPUTY CLERK4
5 **MELVIN LOWELL HAWKINS, JR.,**6 **Plaintiff**7 **v.**8 **DAVID WESLEY, et al.,**9 **Defendants**
10**CASE NO. 1:17-CV-0470 AWI EPG****ORDER FOR THE RETURN OF
SUBMITTED DOCUMENTS**

11 On April 4, 2017, Plaintiff filed this matter that purports to be a civil rights lawsuit.
12 Plaintiff is a prisoner and his lawsuit is against a judge in Los Angeles County and the Los
13 Angeles County District Attorney.

14 On April 7, 2017, the Court *sua sponte* dismissed the case as frivolous and for failure to
15 state a claim. See Doc. No. 2. The Court explained that the complaint contained specious and
16 fanciful theories that were reminiscent of the discredited “sovereign citizen” movement. See id.
17 The Court noted that it appeared that Plaintiff was attempting to obtain his release and/or obtain
18 money damages from the judge and prosecutor in his criminal case. See id. The case was closed
19 and judgment was entered the same day. See Doc. No. 3.

20 On April 24, 2017, the Court received documents from Plaintiff and Eileen Raye, who
21 purports to be the “Public Minister for the plaintiff.” The documents are a letter from Eileen
22 Raye, an “Amended Bill In Equity” and attached exhibits, four summonses. Copies of these
23 documents are included with this order as “Attachment A.” The Court will not accept the
24 documents or permit them to be filed. First, there is no indication that Eileen Raye is an attorney.
25 Because she is not a licensed attorney, Eileen Raye cannot represent or appear for Plaintiff in this
26 Court. See Barrios v. New York City Hous. Auth., 564 F.3d 130, 132-33 (2d Cir. 2009); Simon v.
27 Hartford Life, Inc., 546 F.3d 661, 664 (9th Cir. 2008); Local Rule 183(a). Second, this case was
28 closed pursuant to an order that found that there was no possibility that Plaintiff could prevail.

1 That is, the order necessarily found that amendment would be futile and thus, not permitted.
2 Third, the “Amended Bill In Equity” suffers from the same defects as the Complaint and is
3 specious, fanciful, and frivolous. Cf. Barnard v. United States Gov’t, 635 F. App’x 389 (9th Cir.
4 2016) (holding that a court may *sua sponte* dismiss a complaint for failure to state a claim, without
5 providing notice or an opportunity to respond, where the plaintiff cannot possibly win relief);
6 Sparling v. Hoffman Constr. Co., 864 F.2d 635, 638 (9th Cir. 1988) (same); Omar v. Sea-Land
7 Service, Inc., 813 F.2d 986, 991 (9th Cir. 1987) (same); Herrejon v. Ocwen Loan Servicing, LLC,
8 980 F.Supp.2d 1186, 1194 (E.D. Cal. 2013) (same); Young v. Hawaii, 911 F.Supp.2d 972, 995 (D.
9 Haw. 2012) (same).

10 Therefore, the Court will not accept Plaintiff’s documents, rather the Court will order the
11 Clerk to return the documents to Plaintiff. The Court/Clerk’s office will not accept any additional
12 documents that are similar to the documents in Attachment A, but will return those documents to
13 Plaintiff without lodging or filing them. The Court will not accept any motions for
14 reconsideration in this closed case.

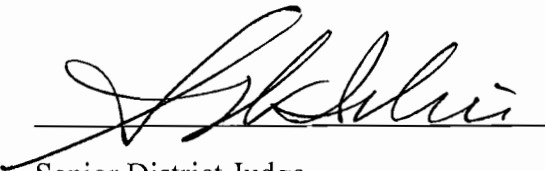
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16 ORDER

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The Clerk shall not separately file the documents in Attachment A;
19 2. The Clerk shall return the original documents in Attachment A to the Plaintiff;
20 3. The Clerk shall not accept any documents similar to those in Attachment A, but shall
21 instead return those documents to the Plaintiff without filing or lodging the documents;
22 4. The Court will not accept any motions for reconsideration in this case; and
23 5. This case remains CLOSED.

24
25 IT IS SO ORDERED.

26 Dated: 4-25-17


Senior District Judge