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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

IMHOTEP JORDAN, SR.,

Plaintiff,

No. CIV-11-1961 GGH P

vs.

VICTORIA MINOR,

Defendant.

ORDER

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Plaintiff, a state prisoner at Calipatria State Prison, has filed a document styled  
“notice and demand for exhibition, presentment, evidence without dishonor pursuant to 18

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1 U.S.C. §§ 645<sup>1</sup> and 2382,”<sup>2</sup> seeking to implicate the Clerk of the Court, Victoria Minor, for her  
2 alleged failure evidently to enter a default judgment upon plaintiff’s request. Plaintiff lists a  
3 litany of state statutes, sections of the United States and California constitutions, California case  
4 citations, “maxims regarding justice” and “maxims regarding truth,” and appends various  
5 exhibits concerning duties of an attorney, the California Code of Judicial Ethics, the Annex to the  
6 International Bill of Human Rights, etc., What plaintiff does not do, however, within the eighty-  
7 one pages of his filing is identify what denial of a request for entry of default at which he has  
8 taken such umbrage or even the case number or title at issue. Nor does he clarify how he could  
9 have standing to possibly pursue any form of criminal action against the Clerk of the Court, or  
10 for that matter, any party.

11 In order to commence an action, plaintiff must file a complaint as required by  
12 Rule 3 of the Federal Rules of Civil Procedure, and plaintiff must either pay the required filing  
13 fee or file an application requesting leave to proceed in forma pauperis.<sup>3</sup> See 28 U.S.C.  
14 §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action  
15 has been properly commenced. Therefore, plaintiff’s filing will be denied without prejudice.

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16 <sup>1</sup> “Whoever, being a United States marshal, clerk, receiver, referee, trustee, or other  
17 officer of a United States court, or any deputy, assistant, or employee of any such officer, retains  
18 or converts to his own use or to the use of another or after demand by the party entitled thereto,  
19 unlawfully retains any money coming into his hands by virtue of his official relation, position or  
20 employment, is guilty of embezzlement and shall, where the offense is not otherwise punishable  
21 by enactment of Congress, be fined under this title or not more than double the value of the  
22 money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if  
23 the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned  
24 not more than one year, or both.

25 It shall not be a defense that the accused person had any interest in such moneys or fund.”

26 <sup>2</sup> “Whoever, owing allegiance to the United States and having knowledge of the  
commission of any treason against them, conceals and does not, as soon as may be, disclose and  
make known the same to the President or to some judge of the United States, or to the governor  
or to some judge or justice of a particular State, is guilty of misprision of treason and shall be  
fined under this title or imprisoned not more than seven years, or both.”

<sup>3</sup> If leave to file in forma pauperis is granted, plaintiff will still be required to pay the  
filing fee but will be allowed to pay it in installments.

1 Plaintiff will be provided the opportunity to file his complaint, and to submit an application  
2 requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Plaintiff's filing of July 25, 2011, to the extent it could be construed as a  
5 motion, is denied without prejudice;

6 2. Plaintiff is granted thirty days from the date of service of this order to file a  
7 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil  
8 Procedure, and the Local Rules of Practice; the complaint must bear the docket number assigned  
9 this case; plaintiff must file an original and two copies of the complaint. Plaintiff shall also  
10 submit, within thirty days from the date of this order, the application to proceed in forma  
11 pauperis on the form provided by the Clerk of Court, or the filing fee in the amount of \$350.00.  
12 Plaintiff's failure to comply with this order will result in a recommendation that this matter be  
13 dismissed; and

14 3. The Clerk of the Court is directed to send plaintiff the court's form for filing a  
15 civil rights action, and the application to proceed in forma pauperis by a prisoner.

16 DATED: September 9, 2011

17 /s/ Gregory G. Hollows  
18 UNITED STATES MAGISTRATE JUDGE

19 GGH:009  
jord1961.noc