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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES C. MAXEY,

 Plaintiff,

 v.

MAYOR KEVIN JOHNSON; SHERIFF
SCOTT JONES; CITY OF
SACRAMENTO; PRESIDENT BARACK
OBAMA; U.S. ATTORNEY BENJAMIN
WAGNER; and DOES 1 THROUGH
99,

 Defendants.

No. 2:15-cv-01656

**ORDER DECLARING PLAINTIFF JAMES
MAXEY A "VEXATIOUS LITIGANT"**

Over a period of less than two years, Plaintiff James Maxey has filed 172 lawsuits in this Court. The vast majority of these cases have been summarily dismissed, due to Mr. Maxey's implausible allegations that, inter alia, he has been subjected to "satellite microchip implant technology" by various governmental actors.

California Code of Civil Procedure ("CCP") § 391 et seq. (as adopted in Local Rule 151(b)) provides that the Court "may, on its own motion . . . enter a prefiling order which prohibits a

1 vexatious litigant from filing any new litigation [in this Court]
2 in propria persona without first obtaining leave of the presiding
3 . . . judge" of this Court. Cal. Civ. Proc. Code § 391.7(a). As
4 defined elsewhere in the CCP, a "vexatious litigant" is a person
5 who, "[i]n the immediately preceding seven-year period has
6 commenced, prosecuted, or maintained in propria persona at least
7 five litigations other than in a small claims court that have
8 been (i) finally determined adversely to the person or (ii)
9 unjustifiably permitted to remain pending at least two years
10 without having been brought to trial or hearing." Cal. Civ.
11 Proc. Code § 391(b)(1).

12 Based on a review of Mr. Maxey's filings on the Court's
13 electronic filing database (CM-ECF), the Court concludes that Mr.
14 Maxey meets the definition of a "vexatious litigant" under CCP §
15 391(b)(1), as well over 100 of his cases have been brought, and
16 dismissed, within the past two years. Thus, pursuant to Local
17 Rule 151(b) CCP § 391 et seq., the Court hereby designates James
18 Maxey a "vexatious litigant."

19 This order constitutes a "prefiling order" as defined in CCP
20 § 391.7, and will operate to prevent Mr. Maxey from filing any
21 new litigation in this Court without first obtaining leave of
22 Chief Judge Morrison England. Cal. Civ. Proc. Code § 391.7(a).
23 Pursuant to CCP § 391.7(b), any future filings by Mr. Maxey will
24 only be permitted if "it appears that the litigation has merit
25 and has not been filed for the purposes of harassment or delay."
26 Pursuant to CCP § 391.7(c), the Clerk is directed to "not file
27 any litigation presented by [Mr. Maxey] unless [he] first obtains
28 an order from [Chief Judge England] permitting the filing." Cal.

1 Civ. Proc. Code § 391.7(c).

2 This order does not have retroactive effect, and Mr. Maxey's
3 currently-pending actions will proceed accordingly.

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5 IT IS SO ORDERED.

6 Dated: August 10, 2015

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JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE

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