

United States District Court

For the Northern District of California

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

MICHAEL LAWRENCE BEAUCHAMP,

No. C-06-4258 MMC

Plaintiff,

**ORDER DISMISSING COMPLAINT;
DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS**

v.

WILLIAM ALSUP,

Defendant

Before the Court is plaintiff's "Request for Orders to Stop Harassment," filed July 11, 2006, which the Court construes as a complaint, and plaintiff's application to proceed in forma pauperis, also filed July 11, 2006.

Pursuant to 28 U.S.C. § 1915(e), where a plaintiff seeks to proceed in forma pauperis, the district court must dismiss the complaint if the court determines that the complaint is frivolous or malicious, or that the plaintiff has failed to state a claim upon which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

Here, plaintiff's complaint falls directly within the category of pleadings identified in § 1915(e)(2)(B)(i) and (ii). A brief history of plaintiff's most recent filings in this District illustrates the point.

On May 24, 2006, plaintiff filed a complaint against Amy Hughes Medina, alleging she had been harassing plaintiff with a deadly weapon. See Beauchamp v. Hughes

1 Medina, C 06-3397 SI. On May 30, 2006, plaintiff filed another complaint, alleging therein
2 that Lillian K. Sing (“Judge Sing”)¹ filed a false report against plaintiff, and that Judge Sing,
3 Angeline Santos, and a neighbor of Angeline Santos had threatened plaintiff with a deadly
4 weapon. See *Beauchamp v. Sing*, C 06-3465 SI. On June 12, 2006, the Honorable Susan
5 Y. Illston dismissed each of the above-referenced cases, in each instance for the reason
6 that plaintiff failed to state a claim over which a federal court has jurisdiction. The orders of
7 dismissal were mailed to plaintiff on June 12, 2006.

8 On June 15, 2006, plaintiff filed yet another complaint. On that occasion, plaintiff
9 alleged that on June 14, 2006, presumably the date he received the above-referenced
10 orders of dismissal, Judge Illston had assaulted him with a deadly weapon and terrorized
11 him. See *Beauchamp v. Illston*, C 06-3768 WHA. On July 7, 2006, the Honorable William
12 H. Alsup dismissed said complaint on the ground it was “incomprehensible and patently
13 absurd,” (see Dismissal Order, filed July 6, 2006); the order of dismissal was mailed to
14 plaintiff.

15 In the instant matter, which appears to have been filed shortly after plaintiff received
16 the order dismissing his complaint against Judge Illston, plaintiff alleges Judge Alsup,
17 based on his rulings, has harassed and threatened plaintiff’s business, and libeled and
18 assaulted plaintiff’s person and property. Plaintiff further alleges Judge Alsup conspired
19 with Amy Hughes Medina, Judge Sing, Angeline Santos, the neighbor of Angeline Santos,
20 Judge Illston, and others, to, among other things, deprive plaintiff of his right to a trial on his
21 claim against Amy Hughes Medina.

22 The only material change between plaintiff’s most recent filing and his prior
23 complaints against Judge Sing and Judge Illston is that plaintiff has changed the name of
24 the defendant to identify the judge who most recently issued a ruling adverse to plaintiff.
25 Plaintiff again has failed to state a claim that avoids the strictures of § 1915(e)(2)(B). See
26 *Franceschi v. Schwartz*, 57 F. 3d 828, 830 (9th Cir. 1995) (holding judges entitled to

27
28 ¹The Court take judicial notice that Lillian K. Sing is a superior court judge.

1 absolute immunity where plaintiff seeks to hold judge liable for performance of judicial
2 acts).


3 Accordingly, plaintiff's complaint is hereby DISMISSED, pursuant to 28 U.S.C.
4 § 1915(e)(2)(B), and plaintiff's application to proceed in forma pauperis is hereby DENIED.

5 The Clerk shall close the file.

6 **IT IS SO ORDERED.**

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8 Dated: July 18, 2006



9 MAKINE M. CHESNEY
United States District Judge

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