

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

MALINKA TACUMA WADE MOYE,

Plaintiff,

v.

LYDIA DIANNE BACA and RACHALE
YOUNG,

Defendants.

No. C 09-03897 WHA

ORDER TO SHOW CAUSE

On August 25, 2009, plaintiff Malinka Moye filed seven actions which were related before the undersigned, including the above-captioned action. The seven actions are as follows:

C-09-3892 WHA	Malinka Moye v. City and County of San Francisco
C-09-3895 WHA	Malinka Moye v. Ratana Jirattewanna
C-09-3896 WHA	Malinka Moye v. Red Oak Realty
C-09-3897 WHA	Malinka Moye v. Lydia Dianne Baca and Rachale Young
C-09-3899 WHA	Malinka Moye v. Myriad Ventures Inc. d/b/a Bay Car Stereo
C-09-3900 WHA	Malinka Moye v. La Donna Rewa Duncan
C-09-3902 WHA	Malinka Moye v. Lydia Dianne Baca

Plaintiff's complaints were barely comprehensible and clearly frivolous. To the extent they were understandable, they alleged an illegal transfer of an estate, false imprisonment, robbery, attempted murder and/or conspiracy to commit murder, all aided by the San Francisco courts, San Francisco Police Department, San Francisco Sheriff Department and Office of the Public Defender, among others. Plaintiff was ordered to show cause why each action should not be dismissed. Although he was given two chances, he did not file responsive answers. The

1 actions were subsequently dismissed without leave to amend on November 16, 2009, and
2 judgments were entered.

3 Plaintiff has nevertheless continued to file incomprehensible and meritless motions,
4 declarations and other filings in these actions. When they are denied, he files more motions
5 repeating the same frivolous claims.

6 In addition to the seven actions before the undersigned, plaintiff has filed at least 12
7 other actions in this district since April 2008, including:

8	C-09-3893 MHP	Malinka Moye v. Derrick Collins, Vince Collins, et al.
9	C-09-3898 EDL	Malinka Moye v. Big Nates Barbeque, et al.
10	C-09-3901 JCS	Malinka Moye v. Fidelity National Title Co.
11	C-08-2051 PJH	Malinka Moye v. Vince Collins, et al.
12	C-08-2053 WHA	Malinka Moye v. La Donna Rewa Duncan
13	C-08-2054 JL	Malinka Moye v. Nate Thurmond
14	C-08-2055 MEJ	Malinka Moye v. Jack Chew
15	C-08-2056 PJH	Malinka Moye v. Ratana Jiraittewanna
16	C-08-2057 VRW	Malinka Moye v. Myriad Ventures Inc. d/b/a Bay Car Stereo
17	C-08-2125 WHA	Malinka Moye v. Linda Brewer Stockdale
18	C-08-2124 SBA	Malinka Moye v. Lydia Baca
19	C-08-2126 SBA	Malinka Moye v. City and County of San Francisco, et al.

20 In each of these actions, plaintiff has sought to proceed *in forma pauperis*. In many, his
21 application to proceed *in forma pauperis* was denied and the complaint was dismissed. The
22 “facts” alleged in the complaints in each of the actions listed above have been no more than a
23 paragraph consisting of short, incomplete and incomprehensible sentences. Additionally, the
24 complaints fail to provide enough information to determine if any basis for federal jurisdiction
25 exists. Most of these actions alleged substantially similar or the same baseless claims as in the
26 seven actions filed on August 25 before the undersigned.

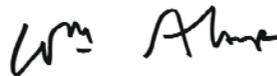
27 The e-filing docket of the San Francisco Superior Court lists plaintiff as a party in
28 approximately 80 actions of various types, filed beginning in March 2002. Most of these
actions were filed by plaintiff, and many of the defendants have the same names as the
defendants in the actions filed in this district. On August 11, 2006, in one of these actions,
Malinka Moye v. Lydia Baca, Case No. CGC-06-450461, plaintiff was declared a vexatious
litigant pursuant to California Code of Civil Procedure §§ 391.1, 391.3 and 391.7(a), and
ordered not to file any new litigation in any California state court without first obtaining leave
of court.

1 Federal courts have the inherent power to regulate the activities of vexatious litigants.
2 *De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990). Under the power of 28 U.S.C.
3 1651(a), courts may restrict litigants with abusive and lengthy histories from further filing. A
4 court may restrict such litigants' future filing of actions or papers provided that it (1) gives the
5 litigant an opportunity to oppose the order before it is entered, (2) creates an adequate record for
6 review, (3) makes substantive findings as to the frivolous or harassing nature of the litigant's
7 actions and (4) drafts a sufficiently tailored order. *Id.* at 1145–48.

8 Accordingly, plaintiff Malinka Moye must appear before this Court on **DECEMBER 17,**
9 **2009 AT 8:00 A.M.**, to respond to the following order to show cause. Additionally, plaintiff
10 must file a written response no later than **DECEMBER 10, 2009, AT NOON** addressing why
11 plaintiff should not be declared a vexatious litigant and barred from filing further papers in the
12 seven actions before the undersigned that began on August 25, or in new actions in the Northern
13 District of California against the same defendants or alleging substantially similar claims,
14 without pre-filing review.

15
16 **IT IS SO ORDERED.**

17
18 Dated: November 30, 2009.



19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28