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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SERAJUL HAQUE,

No. C-11-80294 MISC EMC

Plaintiff,

v.

ORDER RE PREFILING REVIEW

ERNST AND YOUNG, LLP, *et al.*,

Defendants.

Plaintiff Serajul Haque has previously been declared a vexatious litigant. *See Haque v. Toys R Us*, No. C-04-0231 MHP (Docket Nos. 2, 7) (order to show cause and order dismissing approximately 20 complaints filed by plaintiff and declaring him a vexatious litigant). Pursuant to the order of Judge Patel, Mr. Haque is barred from filing any complaint, petition, or other pleading attempting to initiate an action relating to employment or employment-related matters unless so permitted.¹ Currently pending before the Court is an employment discrimination complaint that Mr. Haque filed on December 1, 2011. *See* Docket No. 1 (complaint).

Having reviewed the complaint, the Court hereby finds that it is subject to prefiling review and further **DENIES** the filing. Mr. Haque essentially complains of conduct by two companies which he previously challenged in two other cases.² Judge Patel dismissed those complaints on the

¹ Judge Patel's order indicates that she would be the one to conduct the prefiling review. However, now that Judge Patel has taken senior status, the undersigned shall conduct the prefiling review.

² *See Haque v. Ernst & Young LLP*, No. C-03-5257 MHP; *Haque v. KPMG*, No. C-04-2700.

1 merits, *see Haque v. Toys R Us*, No. C-04-0231 MHP (Docket No. 2) (Order at 1), (stating that all of
2 complaints filed by plaintiff “involve merely barebones assertions that he wasn’t hired, or in some
3 cases was not interviewed or did not receive a response to his inquiry seeking employment[;]
4 [p]laintiff then jumps to the conclusion that the reason for his failure to be hired, interviewed or
5 responded to must be because of discrimination based upon the myriad of grounds he proffers”), and
6 thus res judicata bars Mr. Haque from bringing this suit. *See generally* 18-131 Moore’s Fed. Prac. –
7 Civ. § 131.30[3][a] (stating that, “[i]n general, a judgment will be considered on the merits if it is
8 rendered upon consideration of the legal claim, as distinguished from consideration of an objection
9 to subject-matter jurisdiction, personal jurisdiction, service of process, venue, or any other ground
10 that does not go to the legal or factual sufficiency of the claim to relief”). To the extent Mr. Haque’s
11 complaint is based on new conduct by Defendants (*i.e.*, conduct that took place post-dismissal of the
12 prior complaints), res judicata is not a bar; however, the conduct at issue is substantially similar to
13 that involved in the prior cases and, like Judge Patel, the Court finds the factual allegations
14 insufficient to state a claim for relief. To the extent Mr. Haque believes simply “report[ing] for
15 duty” is enough of a reason for a company to hire him, Compl. ¶ 6, the Court rejects that argument
16 as a matter of law.

17 Accordingly, the Court denies the filing by Mr. Haque. In light of this ruling, Mr. Haque’s
18 motion to proceed in forma pauperis is moot.

19 IT IS SO ORDERED.

20
21 Dated: December 13, 2011



EDWARD M. CHEN
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 SERAJUL HAQUE,

5 Plaintiff,

6 v.

7 ERNST AND YOUNG LLP et al,

8 Defendant.

Case Number: CV11-80294 EMC

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on December 13, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Serajul Haque
16 1001 South Main Street
17 Apt. D-122
18 Milpitas, CA 95035



19 Dated: December 13, 2011

20 Richard W. Wieking, Clerk
21 By: Betty Lee, Deputy Clerk
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