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

PATRICK A. MISSUD,
Plaintiff,

v.

WAYNE LAPIERRE; NATIONAL RIFLE
ASSOCIATION; DOES 1–200,
Defendants.

No. C 14-01223 WHA

**ORDER GRANTING DEFENDANTS’
MOTION TO DISMISS,
VACATING HEARING, AND
VACATING CASE MANAGEMENT
CONFERENCE**

INTRODUCTION

Defendants move to dismiss plaintiff’s third attempt at filing a frivolous complaint. For the reasons stated herein, the motion is **GRANTED**. The hearing on May 8 and the case management conference on May 29 are **VACATED**.

STATEMENT

Pro se plaintiff Patrick A. Missud is an attorney that has been declared a vexatious litigant and is subject to pre-filing review. *See, e.g., Missud v. Nat’l Rifle Ass’n, et al.*, No. 3:13-mc-80263-WHA (N.D. Cal. Dec. 2, 2013) (Dkt. No. 4); *Missud v. San Francisco Sup. Ct., et al.*, No. 3:12-cv-03117-WHA, 2012 U.S. Dist. Lexis 137351, at *9–10 (N.D. Cal. Sept. 24, 2012). He has been placed on involuntary inactive status by the State Bar of California following a five-day hearing and decision. Mr. Missud was found to have a “total disdain for the legal profession and judicial process,” and was charged with seven counts of professional misconduct, including maintaining unjust actions and failing to obey court orders. *In the Matter of Patrick Alexandre Missud*, No. 12-O-10026 (Cal. St. B. July 1, 2013).

1 He has a history of bombarding the docket with hundreds of bizarre entries, like the ones
2 below:

3 Request for Judicial Notice THAT I WILL RAILROAD THE BAR
4 RATHER THAN IT RAILROAD ME filed byPatrick A. Missud.
5 (Attachments: # 1 Exhibit The Trial that the \$\$Bar\$\$ will rig to
6 Disbar Missud, # 2 Exhibit The Bar's Trumped-Up Charge\$ to
7 Railroad the Trial, # 3 Exhibit Federal Judge Chen's Complaint to
8 the Bar and Instruction\$ to Railroad the Hearing, # 4 Exhibit All
9 Sort\$ of Court\$, Judge\$, and Corporation\$ Wanting Missud to be
10 Disbarred, # 5 Exhibit Bar Court Judge Armendariz i\$ Trying
11 Really Hard to Railroad the Trial)(Missud, Patrick) (Filed on
12 4/1/2013) (Entered: 04/01/2013)

13 * * *

14 Request for Judicial Notice ITS QUITE THE RICO
15 NETWORK...THE JUDGES PROVIDE COVER FOR THE
16 CORPORATION\$, THE BAR PROVIDES COVER FOR THE
17 JUDGE\$, THE COMMISSION ON JUDICIAL PERFORMANCE
18 AND CHIEF JUSTICE ALEX KOZIN\$KI RUN
19 INTERFERENCE,... NO WONDER THE COUNTRY I\$ IN
20 PARALYSI\$- THERE'S A CANCER- ITS CALLED THE
21 JUDICIAL BRANCH filed byPatrick A. Missud. (Attachments: # 1
22 Exhibit 6th Substantive Response to the Bar's Trumped-up charge\$
23 and Discovery Reque\$t\$)(Missud, Patrick) (Filed on 4/4/2013)
24 (Entered: 04/04/2013)

25 * * *

26 Letter from 18 USC §1513 Federal Informant; 31 USC §3279
27 Qui-Tam Relator; CCP §1021.5 Private Attorney General Patrick
28 Missud JUST IN CASE HE DOESN'T ALREADY KNOW,
WAYNE LAPIERRE SHOULD LEARN THAT JUDGES
ROUTINELY SELL THE CONSTITUTION AND BILL OF
RIGHTS OFF TO THE CORPORATE AND OTHER SPECIAL
INTERESTS LIKE THE NRA. IF THE PRICE IS HIGH
ENOUGH, A JUDGE I\$ HAPPY TO ALLOW GUN
MANUFACTURERS TO PRODUCE WEAPONS KNOWN TO
BE USED IN CRIMES AND FOR THE PURPOSE OF
SLAUGHTERING PEOPLE. (Attachments: # 1 Exhibit The
Question Presented to SCOTUS in Writ of 12-15658: I\$ it Legal for
the Citizen\$-United Corporation\$ to Buy Judge\$' Decision\$? THE
REMAINDER OF SUPPORTING EXHIBITS ARE CROSS
REFERENCED IN C:11-3567 #183)(Missud, Patrick) (Filed on
6/18/2013) (Entered: 06/18/2013)

29 *San Francisco Sup. Ct.* (Dkt. Nos. 123, 126, 160, 172). In another action, he placed this entry:

30 Letter from Patrick Missud, dated 05/18/13 (Attachments: # 1 Exhibit POS
31 of Documents which SCOTUS will ignore to Dismiss Citizens-United
32 Fortune-500 D.R. Horton Inc. from Writ 12-9412 which Proves to Criminal
33 Standards that Nevada's Supreme Court is Corporate-Bought. # 2 Exhibit
34 The 9th Circuit Just Today Ignored all Evidence of Lower Court
Citizens-United, Fortune-500 D.R. Horton's purchase of 18 USC 201

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Corrupt Judges from Nevada to California; and County to Circuit Court's, # 3 Exhibit I have Dozens of Transcripts catching Dopey-Corrupt Judges in Lies. This is the First- and they each get Progressively Worse!! By this Thursday, the United States Supreme Court will out itself as a Corporate Tool to Destroy the Constitution, Bill of Rights, Democracy, and 314 Million Real Non-Corporate People)(Missud, Patrick) (Filed on 5/21/2013) Modified on 5/22/2013 (jlm, COURT STAFF). (Entered: 05/21/2013)

Missud v. D.R. Horton Inc., et al., No. 4:07-cv-02625-SBA (N.D. Cal. May 21, 2013) (Dkt. No. 78). And this:

First MOTION for Reconsideration re 70 Clerk's Judgment, 69 Order on Motion to Dismiss, Order on Motion to Strike MAKING SURE THAT JUDGE \$PERO \$PENDS\$ AT LEAST A DECADE IN THE PEN filed by Patrick Alexandre Missud. (Attachments: # 1 Exhibit The court registered a ".pl" file instead of "pdf" to conceal its own order. This isn't the first time the court has so brazenly tried to conceal evidence and orders from the public. I've had to time and again go to the court to get copies of what they want suppressed., # 2 Exhibit Here's the corrupted ".pl" file which has all sort of weird formatting problems. That's the likely reason it can't be downloaded as a "pdf." The judicial fraud throughout the 9th District and Circuit Court is epic. Just see civil cases C:11-1856, 11-3567, 12-161, 12-3117, 12-5468,..... related appeal,.....and related U.S. Supreme Court Writ 12-7817, 8191, 9412, 9413, 9981, 10006,)(Missud, Patrick) (Filed on 6/28/2013) (Entered: 06/28/2013)

Missud v. Oakland Coliseum Joint Venture, et al., No. 3:12-cv-02967-JCS (N.D. Cal. June 28, 2013) (Dkt. No. 72). Accordingly, Mr. Missud's ECF filing privileges were revoked.

* * *

Mr. Missud has filed no less than sixteen actions in this district. In September 2013, he filed a complaint against the National Rifle Association, Wayne LaPierre, the State of Colorado, and the Supreme Court of the United States alleging a plethora of "constitutional violations." The complaint alleged, *inter alia*, that public officials and our justices sitting on the Supreme Court were bought by corporate interests and sought relief in the form of reconsideration of recent Supreme Court decisions. The action was dismissed. *Missud v. Nat'l Rifle Ass'n., et al.*, No. 3:13-cv-80213-WHA (N.D. Cal. Oct. 15, 2013) (Dkt. Nos. 1, 3).

A little over a month after the dismissal, Mr. Missud filed a mirror action against the same defendants with the exception of substituting out the Supreme Court for Intermedia Outdoor Holdings, Inc., in an effort to circumvent the pre-filing review order which was restricted to complaints against judicial entities. The action was dismissed and the pre-filing review order was expanded to all filings by Mr. Missud in this district because of his history of

1 placing hundreds of inappropriate, bizarre and incomprehensible entries on the docket, and filing
2 numerous frivolous complaints. A monetary sanction of \$100 was imposed for his violation of a
3 court order and he was warned of Rule 11 sanctions. *Nat'l Rifle Ass'n.*,
4 No. 3:13-cv-80263-WHA (Dkt. Nos. 1, 4).

5 These warnings were unheeded. On December 23, Mr. Missud filed the instant action in
6 California state court against the same defendants. The complaint was vastly identical, except
7 that he referred to the California constitution. Defendants removed the action and now move to
8 dismiss.

9 In response, Mr. Missud filed a "preliminary opposition," an "opposition," a
10 "supplementary briefing in support of, and amendment to, oppositions to dismiss," and a "second
11 FRCP Rule 59(e) supplemental briefing of binding legal precedent in support of, and amendment
12 to, oppositions to defendant's motions to dismiss" (Dkt. Nos. 15, 21, 24, 28). The two
13 "supplemental briefs" were filed after the April 4 response deadline.

14 ANALYSIS

15 A serious matter must be addressed. Attorney Missud made the following statements in
16 his opposition (Dkt. No. 21 at 6, n. 12, 9, n. 16, 13, n. 19):

17 You ultra-stupid phuk Alsup- Know that I already caused your
18 death from a prison cell. You are a phuking traitor who sold-out
19 America you phuking prick. You intentionally tried to destroy
20 America from within which is exactly what Al Qaeda tried to do
and will testify hoping that you get the death penalty by firing
squad.

21 * * *

22 . . . Judge\$ are complete imbeciles who barely know how to make a
23 phone call, but are charging over \$400/hr to rig arbitration\$!
Gold\$mith- I'll have you raped by your cell-mate after you get
24 convicted. Have fun dip\$#!t!

25 * * *

26 Mr. Missud wanted to reach into the Phuk's window once stopped
27 in traffic, and to tear his head off but didn't because Phuk might
28 have had a gun . . . But-for the possibility that Wayne was helping
Phuk, I would have ripped Phuk's heart through his throat and
pummeled his face into a bloody me\$\$.
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Phuk-Al\$up I will relish getting you on record at our hearing which you will probably vacate because you're a dip\$#!t who hasn't got a chance of matching wit\$. Therefore, I here and now personally announce and guarantee your death in a concrete cell.

These threatening statements have no place in federal court or our country. We have tolerated Mr. Missud's vexatious complaints, bizarre docket entries, spamming of court email addresses, and inappropriate behavior long enough. This needs to end.

Putting aside Mr. Missud's threats, this third effort by him to drag defendants into litigation using the same allegations once again fails to pass muster under Rule 12(b)(6). Dismissal is proper "where there is no cognizable legal theory or an absence of sufficient facts alleged to support a cognizable legal theory." *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001).

Mr. Missud's complaint largely reasserts the same incoherent arguments that plagued his previous complaints. Indeed, he admits: "Al\$up'\$ edict says nothing about pre-filing review in the State court where he ha\$ ab\$olutely no jurisdiction whatsoever, so he should just go phuk himself" (Opp. 8). Other than mention the California constitution in the most general sense, the relief sought is reconsideration of Supreme Court precedent that he disagrees with, namely, *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010). His supplemental briefs refer to *McCutcheon v. Federal Election Commission*, 134 S. Ct. 1434 (2014) and gives his critiques of the Second Amendment. The incoherent complaint fails to state a claim and amendment would be futile.

* * *

Mr. Missud's disregard for court orders must be noted. He is using our judicial system as a private platform to pursue some personal vendetta and is harassing innocent individuals, entities, and judges in the process. *See, e.g., Missud v. San Francisco Sup. Ct. et al.*, No. 4:11-cv-01856-PJH (N.D. Cal. Feb. 13, 2012) (Judge Phyllis J. Hamilton); *Missud v. State of Nevada, et al.*, No. 3:11-cv-03567-EMC (N.D. Cal. Mar. 22, 2012) (Judge Edward M. Chen); *Missud v. D.R. Horton Inc., et al.*, No. 3:10-cv-00235-SI (N.D. Cal. Apr. 2, 2010) (Judge Susan Illston). He also attempted to subpoena San Francisco Police Chief Greg Suhr, Judge Joann Remke, and

1 the undersigned judge to appear before the Supreme Court. That subpoena was quashed. *San*
2 *Francisco Sup. Ct.*, No. 3:12-cv-03117-WHA (Dkt. No. 179). Our district has expended
3 significant time and resources on his actions.

4 * * *

5 Defendants request judicial notice of nine documents, including orders dismissing actions
6 brought by Mr. Missud and the decision by the State Bar of California placing him on
7 involuntary inactive status. The request is **GRANTED**.

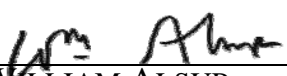
8 **CONCLUSION**

9 For the reasons stated, defendants' motion to dismiss is **GRANTED**. The complaint is
10 **DISMISSED WITH PREJUDICE**. The hearing on May 8 is **VACATED**. The case management
11 conference on May 29 is **VACATED**. Judgment will be entered accordingly. The Clerk shall
12 **CLOSE THE FILE**.

13 This order certifies that there is no good-faith reason for this action to proceed any
14 further, including on appeal. *See* 28 U.S.C. 1915(a)(3); *Hooker v. American Airlines*, 302 F.3d
15 1091, 1092 (9th Cir. 2002).

16
17 **IT IS SO ORDERED.**

18
19 Dated: April 24, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE