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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ADAM JIBREEL,  
Plaintiff,  
v.  
HOCK SENG CHIN,  
Defendant.

Case No. 14-cv-02774-JST

**ORDER TO SHOW CAUSE WHY  
PLAINTIFF SHOULD NOT BE  
DECLARED A VEXATIOUS LITIGANT  
AND REQUIRED TO OBTAIN LEAVE  
OF COURT BEFORE FILING ANY  
NEW ACTION**

Re: ECF No. 1

**I. BACKGROUND**

On June 16, 2014, Plaintiff Adam Jibreel filed a complaint with this Court against Hock Seng Chin, the Consul-General of the Republic of Singapore for San Francisco. ECF No. 1. The complaint restates and repeats a prior complaint in Case No. 13-cv-03470-JST (“2013 Complaint”). See ECF No. 1-1 (asserting that Defendants here are the same as those “mentioned in Dismissed Case 13-cv-03470-JST”). The 2013 Complaint alleges that federal government officials, local law enforcement, the Singapore I.S.D. Secret Police, and contractors waged a campaign to surveil and harm Jibreel. 2013 Complaint at 12-15. It names as defendants members of the executive and legislative branches of the United States and state governments, and members of the government of Singapore. Id.

The Court dismissed the 2013 Complaint with prejudice on June 13, 2014 for failure to state a claim. Case No. 13-cv-03470-JST, ECF No. 53. By filing his current complaint, Plaintiff appears effectively to be appealing the Court’s dismissal of the 2013 Complaint with prejudice, and attempting to circumvent that dismissal in violation of Civil Local Rule 3-3(c). See id. Ordinarily, based on the foregoing facts, this Court would simply issue an order to show cause why the present action should be not be dismissed with prejudice.

1           It turns out, however, that this is not Jibreel’s first attempt to relitigate a meritless  
2 complaint regarding the same facts. A search of Jibreel’s name and various aliases<sup>1</sup> in the Public  
3 Access to Court Electronic Records database reveals that this action constitutes Jibreel’s eighth  
4 apparent attempt to seek redress for having been the subject of a criminal investigation. One  
5 attempt took place in the Western District of Washington, one in the Ninth Circuit Court of  
6 Appeals, and the rest in this District. All of Jibreel’s complaints have named an array of  
7 defendants who either are immune from suit, lack any connection to the underlying facts, or both.  
8 All of them have been largely incoherent. And all of them have been found to be without merit.

9           As discussed more fully below, Jibreel’s multiple lawsuits appear duplicative and  
10 frivolous. Accordingly, the Court will issue an Order to Show Cause why Jibreel should not be  
11 declared a vexatious litigant and required to obtain leave of court before filing any new action.

12 **II. DISCUSSION**

13 **A. Legal Standard**

14           “The All Writs Act, 28 U.S.C. § 1651(a), provides district courts with the inherent power  
15 to enter pre-filing orders against vexatious litigants.” Molski v. Evergreen Dynasty Corp., 500  
16 F.3d 1047, 1057 (9th Cir. 2007). “Flagrant abuse of the judicial process cannot be tolerated  
17 because it enables one person to preempt the use of judicial time that properly could be used to  
18 consider the meritorious claims of other litigants.” De Long v. Hennessy, 912 F.2d 1144, 1148  
19 (9th Cir. 1990). To determine whether a litigant is “vexatious,” courts consider, among other  
20 factors, the number and nature of the litigant’s court filings, the litigant’s motive in submitting  
21 those filings, and whether the litigant’s filings have caused other parties needless expense or posed  
22 an unnecessary burden on the courts or court staff. Molski, 500 F.3d at 1057-58 (applying the  
23 factors from Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2nd Cir. 1986)).

24           District courts must examine four factors before entering pre-filing orders:

25           First, the litigant must be given notice and a chance to be heard before the order is  
26 entered. Second, the district court must compile “an adequate record for review.”

27 \_\_\_\_\_  
28 <sup>1</sup> Plaintiff now refers to himself as Adam Jibreel; his aliases are Christopher B. Mussenden, Idris  
B. Jibreel, and Adam Blake.

1 Third, the district court must make substantive findings about the frivolous or  
2 harassing nature of the plaintiff's litigation. Finally, the vexatious litigant order  
3 "must be narrowly tailored to closely fit the specific vice encountered."

4 Molski, 500 F.3d at 1057 (citing De Long, 912 F.2d at 1147-49).

5 **B. Jibreel's Prior Interactions with the Federal Courts**

6 **1. Criminal Indictment**

7 In 2005, Jibreel was indicted for two counts of making false statements in passport  
8 applications, in violation of 18 U.S.C. § 1542. United States v. Blake, Case No. 2:05-mj-00036-  
9 JLW-1, ECF No. 1 (W.D. Wash. Jan. 28, 2005). On the same day, the case was transferred to the  
10 Southern District of New York. Id. at ECF No. 6. Then, on the United States' recommendation,  
11 the Judge entered an order of nolle prosequi, which terminated the case. United States v. Blake,  
12 Case No. 1:05-cr-00114-JFK-1, ECF No. 30 (S.D.N.Y. Mar. 6, 2006). The United States did not  
13 prosecute the case, and Jibreel was not convicted.

14 **2. Western District of Washington Litigation**

15 In 2008, Jibreel filed a complaint, naming as defendants: (1) the U.S. Department of State,  
16 Washington Office; (2) the U.S. Department of State, Charleston, South Carolina Passport Bureau;  
17 (3) the U.S. Department of State Passport Bureau Offices in Washington, D.C.; (4) the U.S.  
18 Federal Bureau of Investigation ("FBI"), Seattle, Washington offices; (5) the U.S. Department of  
19 Homeland Security, Seattle, Washington offices; (6) the U.S. Coast Guard Investigative Service,  
20 Seattle, Washington offices; and (7) Detective Glenn Kerns of the Seattle Police Department  
21 Counter-Terrorism Division. Jibreel v. U.S. Dep't of State, Case No. 2:08-cv-00124-MJP, ECF  
22 No. 1-2 at 1 (W.D. Wash. Jan. 25, 2008). The complaint alleges violations of 42 U.S.C. § 1983,  
23 as well as "violation of civil rights & mistreated in error by the government in violation of the  
24 cruel and unusual punishment clause." Id. The complaint recites a string of alleged government  
25 conspiracies, including but not limited to the government's actions in filing an indictment against  
26 Jibreel. Id. at 1-16. For example, the complaint states:

27 The plaintiff accuses these aforementioned agencies of conspiring  
28 and acting in concert to suppress chill and 'neutralize' his  
constitutionally protected activities of engaging in innocuous travel  
**ONLY**, to pursue economic opportunities and a **more favorable**  
**business climate**, with no harm, ill-will or malice toward his native

1 country or her U.S. Federal Agencies, and otherwise abridge his  
2 civil rights. It arose when plaintiff ADAM JIBREEL was deprived  
3 by his first ever arrest and sudden incarceration for a 1993  
4 Telephone Bill Theft warrant in the U.S. Department Passport  
5 Agency’s offices in Seattle, Washington, on September 2nd, 2004,  
6 which he had no knowledge of whatsoever and was never told about  
7 . . . not even when he was issued his last 10 year U.S. Passport in  
8 May of 2002 . . . The aforementioned U.S. Federal agencies then gave  
9 the Plaintiff the notion that he would get his passport back . . . when  
10 the plaintiff only wanted to know why were there red flags on his  
11 name and if there were any at the behest of any foreign agencies or  
12 governments in the Arab world so he would be informed to go back  
13 to any of those countries who may have put a bad word out on him.

14 Id. at ¶¶ 1-2.

15 On August 8, 2011, the court issued an Order to Show Cause why Jibreel’s case should not  
16 be dismissed without prejudice for failure to prosecute. Jibreel v. U.S. Dep’t of State, Case No.  
17 2:08-cv-00124-MJP, ECF No. 11. Jibreel failed to respond to the Order within the allotted time,  
18 so the court dismissed the action without prejudice. Id. ECF No. 12.

### 19 **3. Northern District of California Litigation**

#### 20 **a. Cases 1-3**

21 In 2007, Jibreel filed three related complaints against (1) the U.S. Department of State; (2)  
22 the FBI; (3) the U.S. Department of Homeland Security; and (4) the U.S. Coast Guard Division of  
23 Intelligence. Jibreel v. U.S. Dep’t of State, Case No. 3:07-cv-00543-MJJ, ECF No. 1 (N.D. Cal.  
24 Jan. 26, 2007) (“Case 1”); Related Case Nos. 3:07-cv-00546-MJJ (“Case 2”) & 3:07-cv-00547-  
25 MJJ (“Case 3”).<sup>2</sup> In those complaints, Jibreel claims he was “maligned by [his] own government’s  
26 hard working agents” and incorrectly listed in a “number of databases.” ECF No. 1 at ¶¶ 2-3. He  
27 fails, however, to plead any specific cause of action, or make factual allegations against any  
28 specific defendants. Id. at ¶¶ 1-4.

Jibreel’s prayer for relief includes the return of his 2004 passport and monetary damages  
for “a three month incarceration by unspecified government agents; intrusion into . . . personal or  
sexual propensities or nuances; estrangement from his son who resides in Canada; and loss of job  
opportunities and benefits due to records in federal or municipal databases.” ECF No. 34 at 2

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<sup>22</sup> All ECF citations in this section reference Case 1.

1 (citation and internal quotations omitted).

2 Defendants moved to dismiss for lack of subject matter jurisdiction. ECF No. 16. The  
3 court granted Defendants’ motion with leave to amend because Jibreel failed to plead any facts  
4 that would waive the United States’ sovereign immunity under the Federal Tort Claims Act. ECF  
5 No. 34 at 3-4. When Jibreel failed to amend any of his complaints, the court dismissed all three  
6 actions with prejudice. ECF No. 40 at 4.

7 Jibreel then appealed the district court’s dismissal of his complaints. ECF No. 41 at 1.  
8 The Ninth Circuit dismissed the appeal for failure to file an opening brief. ECF No. 45 at 1.

9 **b. Case 4**

10 In 2012, Jibreel filed a nearly illegible handwritten complaint alleging that Defendants the  
11 United Nations, CNN, CBS, ABC, Muslim Legal Fund of America and the Committee for  
12 American Islam Relations failed to help him reveal that the United States had allegedly  
13 unconstitutionally labelled him a “high terror threat” and a “potential violent extremist.” Jibreel v.  
14 CNN et al., Case No. 3:12-cv-05221-SI, ECF No. 1 at 1 (N.D. Cal. Oct. 9, 2012) (“Case 4”).<sup>3</sup>  
15 Jibreel also alleged that the U.S. government, its agencies and military colluded with its “Asian  
16 partners” to have him unlawfully detained in Singapore because they believed he was associated  
17 with terrorism. Id. Jibreel did not, however, name any of these governmental entities as  
18 defendants. Id. He sought monetary damages of \$93 million. Id.

19 While the court granted Jibreel’s application to proceed in forma pauperis, it dismissed his  
20 complaint with prejudice sua sponte because he did not claim any federal causes of action. ECF  
21 No. 8 at 2. The court held that Jibreel’s complaint would have been dismissed even if he had  
22 made federal allegations against the named defendants because they were not state actors. Id.  
23 (citing Caviness v. Horizon Cmty. Learning Ctr., Inc., 590 F.3d 806, 812 (9th Cir. 2010).

24 **c. Case 5**

25 In 2013, Jibreel filed the 2013 Complaint. Jibreel v. Chin, Case No. 3:13-cv-03470-JST,  
26 ECF No. 1 (N.D. Cal. July 24, 2013) (“Case 5”).<sup>4</sup> That complaint takes the form of a letter to

27 \_\_\_\_\_  
28 <sup>3</sup> All citations in this section reference Case 4.

<sup>4</sup> All citations in this section reference Case 5.

1 President Obama. Jibreel names as defendants: (1) President Barack Obama; (2) Secretary of the  
2 Department of Homeland Security Jeh Charles Johnson; (3) FBI Director James Comey; (4)  
3 Federal Aviation Administrator John S. Pistole; (5) Senator Lindsay Graham (South Carolina); (6)  
4 Senator Patty Murray (Washington); (7) U.S. Representative Peter King; (8) Prime Minister of the  
5 Republic of Singapore Lee Hsien Loong; and (9) Hock Seng Chin, Singapore’s former Consul  
6 General in San Francisco. Id.

7 Jibreel’s complaint seems to allege that defendants violated his First, Second, Fourth, and  
8 Fifth Amendment rights, though he simultaneously disclaims any Second Amendment violation.  
9 Id. at 18-19, 20. He claims as injuries, among other things, his ejection from an airport,  
10 surveillance in downtown San Francisco, and unlawful detention as a terrorist threat, as well as the  
11 destruction of his family structure, the “pilfering” of his personal property by the Australian CEO  
12 of a storage company who is also an “Authority” in the Obama administration, and the fact that he  
13 was mocked by Indonesian students. Id. at 12-13, 18-20. On the cover sheet of Jibreel’s  
14 complaint, under the line “document name,” Jibreel states that the action is a “Complaint for  
15 disclosure of all facts and motivations causing my being designated as a ‘suspect terrorist’ and for  
16 the restoration of most of my work related credentials, my former relationships, and possible  
17 financial redress.” Id. at 1. In addition, on the civil cover sheet, he states that his cause of action  
18 is “To Appeal for Reversal of Decisions Designating Adam Jibreel a ‘Threat’ to the Rpblic [sic]”  
19 in Cases 1 through 4. ECF No. 1-1.

20 In response, the United States moved to dismiss. ECF No. 22 at 7. Jibreel explained at the  
21 motion hearing that his issues associated with unknown government actors labeling him a terrorist  
22 and the possibility of being on a no-fly list were actually the result of a sealed criminal complaint  
23 in the Western District of Washington for making a false assertion on a passport application. ECF  
24 No. 44 at 8. Jibreel believed that if he had access to the sealed complaint, he could “clear up the  
25 mistakes or misunderstandings that may have resulted in his placement on a no-fly list.” Id. But  
26 Jibreel provided no facts to support his allegations against defendants, and no legal arguments to  
27 demonstrate standing or jurisdiction, and thus could not state a plausible claim for relief.  
28 Moreover, it was apparent that he filed the 2013 Complaint in an effort to appeal criminal charges

1 the United States had never prosecuted.

2 Adopting the reasoning and conclusion of the magistrate judge originally assigned to the  
3 case, this Court held that immunity barred the claims against the Prime Minister of Singapore and  
4 dismissed the claims against him with prejudice. ECF No. 49 at 1. This Court also held that  
5 Jibreel’s remaining claims failed as a matter of law, and that the Court lacked jurisdiction because  
6 Jibreel “failed adequately to allege sufficient facts to establish constitutional standing for his  
7 remaining claims.” Id. When Jibreel did not respond to the Court’s Order to Show Cause why his  
8 complaint should not be dismissed because of his failure to amend, the Court dismissed Jibreel’s  
9 action with prejudice. ECF No. 50 at 1; see also ECF No. 53 at 1.

10 **iv. Case 6**

11 Jibreel’s latest filing is the present case (“Case 6”). It merely restates the complaint the  
12 Court dismissed for failure to state a claim in Case 5. ECF No. 1. This Court made note of that in  
13 its Order Granting Motion to Proceed in Forma Pauperis, ECF No. 7, and held that Jibreel’s  
14 apparent “judge shopping” violates Civil Local Rule 3-3(c). Id. at 1. Although this Court granted  
15 Jibreel’s motion to proceed in forma pauperis, it dismissed his complaint sua sponte pursuant to  
16 Rule 12(b)(6), with leave to amend. Id. Lastly, this Court warned Jibreel that if he failed to  
17 timely amend his complaint, it would be dismissed with prejudice. Id. at 2. The Court gave  
18 Jibreel until August 21, 2014 to file an amended complaint, but he failed to do so.

19 **CONCLUSION**

20 As the foregoing record demonstrates, Jibreel has repeatedly filed frivolous lawsuits  
21 regarding the same underlying circumstances, the effect of which has been to require numerous  
22 district courts to spend judicial resources unnecessarily. “Flagrant abuse of the judicial process  
23 cannot be tolerated because it enables one person to preempt the use of judicial time that properly  
24 could be used to consider the meritorious claims of other litigants.” De Long, supra, 912 F.2d at  
25 1148.

26 Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE why he should not be  
27 declared a vexatious litigant and have a pre-filing order entered against him. Any opposition to  
28 this Order must be filed on or before September 19, 2014. Any such response must respond only

1 to this Order, and should not raise new issues or address the underlying complaint in this action,  
2 except as necessary to respond to this Order.

3 Jibreel is also encouraged to seek the assistance of the free Legal Help Center operated by  
4 the Bar Association of San Francisco. The Legal Help Center has locations at 450 Golden Gate  
5 Avenue, 15th Floor, Room 2796, San Francisco, California and at 1301 Clay Street, 4th Floor,  
6 Room 470S, Oakland, California. Assistance is provided by appointment only. A litigant may  
7 schedule an appointment by signing up in the appointment book located on the table outside the  
8 door of the Center or by calling the Legal Help Center appointment line at 415-782-8982.

9 Jibreel is further advised that he can find helpful information for pro se litigants at  
10 <http://cand.uscourts.gov/proselitigants>, including the Northern District's Representing Yourself in  
11 Federal Court: A Handbook for Pro Se Litigants. The handbook is also available free of charge at  
12 the Clerk's Office.

13 **IT IS SO ORDERED.**

14 Dated: August 22, 2014

15   
16 JON S. TIGAR  
17 United States District Judge