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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACHARLES KINNEY,
Plaintiff,
v.
FRANCES ROTHSCHILD, et al.,
Defendants.Case No. [17-cv-03493-JCS](#)
Also filed in Case No. 16-cv-2278-LB**SUA SPONTE REFERRAL TO
DETERMINE WHETHER CASES ARE
RELATED**

Plaintiff Charles Kinney, a disbarred lawyer appearing pro se, filed this action, case number 17-3493 (the “3493 Action”), against a number of California state court judges and other defendants, seeking declaratory judgment, damages, and other relief. Kinney’s claim is based on a vexatious litigant order imposed in *Kinney v. Clark*, case number B265267 before the California Court of Appeal for the Second Appellate District (an appeal of Los Angeles Superior Court case number BC354136), which expanded the scope of previous orders requiring pre-filing review of certain actions filed by Kinney in state court. *See* Compl. Exs. A, B; *Kinney v. Clark*, 11 Cal. App. 5th 841 (2017). The Court of Appeal noted that prior to its order, “[t]he Los Angeles Superior Court, this court [the Court of Appeal], and the United States District Court for the Central District of California all have declared Kinney to be a vexatious litigant,” and detailed Kinney’s history of filing a plethora of lawsuits, appeals, removals, and petitions related to a 2005 residential real estate transaction. *See Kinney v. Clark*, 11 Cal. App. 5th 841 (citing *In re Kinney*, 201 Cal. App. 4th 951 (2011)).

Kinney’s various court proceedings include a number of actions in this Court, some of which have been assigned to the Honorable Laurel Beeler. In *Kinney v. Gutierrez*, No. 3:16-cv-02278-LB (the “2278 Action”), Kinney sued all of the same defendants as in the present 3493 Action (among other defendants in the 2278 Action) for actions taken in litigating or deciding,

1 among other cases, the same Los Angeles Superior Court case (BC354136) underlying the
2 appellate case (B265267) at issue here, and other appeals thereof. *See* Am. Compl., 2278 Action
3 ECF Doc. No. 21 (July 7, 2016). The present 3493 Action is therefore REFERRED sua sponte to
4 Judge Beeler to determine whether it is related to the 2278 Action. Any party may file a response
5 supporting or opposing relation no later than June 27, 2017. *See* Civ. L.R. 3-12(c), (e); Civ. L.R.
6 7-11(b).

7 **IT IS SO ORDERED.**

8 Dated: June 23, 2017

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11 JOSEPH C. SPERO
12 Chief Magistrate Judge

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