

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re
HUI LIAN KE, a/k/a LILY KO,
Plaintiff.

- Case No. [17-cv-02555-EMC](#)
- Case No. [17-cv-03456-EMC](#)
- Case No. [17-cv-03600-EMC](#)
- Case No. [17-cv-03605-EMC](#)
- Case No. [17-cv-03855-EMC](#)
- Case No. [17-cv-03929-EMC](#)
- Case No. [17-cv-03930-EMC](#)
- Case No. [17-cv-04225-EMC](#)
- Case No. [17-cv-04227-EMC](#)
- Case No. [17-cv-04228-EMC](#)
- Case No. [17-cv-04230-EMC](#)
- Case No. [17-cv-04237-EMC](#)
- Case No. [17-cv-04259-EMC](#)

ORDER OF DISMISSAL

I. INTRODUCTION

Hui Lian Ke, also known as Lily Ko, an inmate at the Santa Clara County Jail, has filed numerous *pro se* civil actions. Pursuant to 28 U.S.C. § 1915(e) and 1915A, the Court conducted an initial review of the complaints in fifteen of her actions, and dismissed them with leave to amend. In thirteen of those actions, Plaintiff did not file an amended complaint. This order dismisses those thirteen actions for failure to state a claim upon which relief may be granted. (She did file amended complaints in the other two actions (i.e., *Ko v. Gonzalez*, No. 17-cv-4226 EMC, and *Ke v. Sandoval*, No. 17-cv-4229 EMC), and the Court will address those pleadings separately in those actions.)

II. DISCUSSION

Commencing in early 2017, Plaintiff began filing many actions in this Court. By the end of July 2017, she had filed fifteen actions that were assigned to the undersigned. The Court

1 reviewed those fifteen actions, and issued a single Order Requiring Amended Complaints And *In*
2 *Forma Pauperis* Applications (“Order Requiring Amended Complaints”) that covered those
3 fifteen actions. Docket No. 12 in Case No. 17-cv-2555 EMC.¹

4 In the Order Requiring Amended Complaints, the Court explained that the complaints did
5 not provide enough information for the Court to be able to provide even a very general description
6 of the event and omissions giving rise to her claims.

7 In Case No. 17-cv-2555 EMC, Ms. Ko purports to bring the action
8 on behalf of an Estate and two individuals, and asserts that several
9 torts and wrongs were committed against individuals other than
10 herself. The plaintiff in the action is listed as Hui Lian Ke,
11 “executor for the Lily Helen Ko Estate, for Ke, Junjie, man, for Ke,
12 Shengli, woman aggrieved, claimant, prosecutor.” (Docket No. 1 at
13 1.) She does not explain who the individuals are, or how she has
14 any authority to present claims on their behalf. It also is unclear
15 whether the “Lily Helen Ko Estate” is an Estate of a deceased
16 person or is simply an alternative way of referring to herself. Ms.
17 Ke lists six individuals as defendants, but does not explain who any
18 of those defendants are. The complaint summarily alleges that some
19 of the defendants carried away Junjie and Shengli from their home
20 in 2014, used them for prostitution, held them against their will,
21 drugged them, physically attacked them, and enslaved them. . . .

22 In Case No. 17-cv-3600 EMC, the complaint is incomprehensible.
23 The complaint lists several claims for trespass, but the trespassing
24 allegedly took place against things other than real property, i.e., the
25 alleged trespasses were on the Estate of Lily Helen Ko and other
26 Estates, “trespass from temporary restraining order (TRO) issued
27 upon each said estate containing defects,” “trespass from
28 copyrights,” and “trespass from defamation.” The complaints in
Case Nos. 17-cv-3456 EMC and 17-cv-3605 EMC, urge similarly
incomprehensible claims.

In Case No. 17-cv-3855 EMC, the complaint is against the Santa
Clara County Sheriff and appears to pertain to Ms. Ke’s
incarceration and/or the impoundment of her car. Although the
general subject matter can be discerned, the actual claims are
incomprehensible.

In the rest of the cases, the defendants are identified but the claims
are incomprehensible. For example, in Case No. 17-cv-3929 EMC,
Ms. Ke sues Michael Gilman, a prosecutor, and alleges claims for,

¹ Since the issuance of the Order Requiring Amended Complaints, Plaintiff has filed another
fifteen civil actions that have been assigned to the undersigned. Those newer civil actions will be
addressed separately at a later date.

Plaintiff also has filed several petitions for writ of habeas corpus. Those are pending
before Judge Chhabria. *See, e.g., Ke v. Davis*, Case No. 17-cv-4826 VC.

1 among other things, “trespass on the authenticated certificate of live
2 birth,” and “certiorari to bring forth the valid contract with claimant
3 to probation.” Docket No. 1 at 1 in Case No. 17-cv-3929 EMC.
4 Ms. Ke makes similarly incomprehensible “trespass” and
5 “certiorari” claims against other actors in state court cases. *See, e.g.*,
6 Case No. 17-cv-3930 EMC (county counsel); Case No. 17-cv-4225
7 EMC (court-appointed counsel); Case No. 17-cv-4226 EMC (court
8 clerks); Case No. 17-cv-4227 EMC (public defender); Case No. 17-
9 cv-4228 EMC (superior court judges); Case No. 17-cv-4229 EMC
10 (custodian of records for Department of Family & Children
11 Services); Case No. 17-cv-4230 EMC (superior court judge); Case
12 No. 17-cv-4237 EMC (doctors); and Case No. 17-cv-4226 EMC
13 (Governor).

14 Docket No. 12 at 1-3 in Case No. 17-cv-2555 EMC.

15 Each complaint was dismissed with leave to amend because it failed to state a claim upon
16 which relief may be granted. *Id.* at 4-7. The Court explained that each complaint was largely
17 incomprehensible because, although numerous legal concepts were mentioned, there was not an
18 understandable set of facts to go with any of those legal concepts. *Id.* at 4. The Court further
19 explained that, in her amended complaint in each action, Ms. Ke had to allege a short and plain
20 statement of each claim for relief she wanted to assert; had to link one or more defendants to each
21 claim; and had to plead any fraud with particularity. *Id.* at 5-6. The Court also directed Ms. Ke to
22 explain why she was in jail so that the Court could determine whether the rule from *Heck v.*
23 *Humphrey*, 512 U.S. 477 (1994), would require a stay of part or all of any of her actions. Docket
24 No. 12 at 6 in Case No. 17-cv-2555 EMC. The Court set a deadline for September 18, 2017 for
25 Plaintiff to file an amended complaint in each action.

26 The deadline for the filing of amended complaints has passed. It is now time to consider
27 the materials she filed in each action in response to the Order Requiring Amended Complaints.²
28 For each action, the Court will describe what Ms. Ke filed in response to the Order For Amended
Complaints, and explain the reason for its dismissal of each action.

² Hui Lian Ke is also known as Lily Ko. She wrote in several of her filings that the title “Ms.” should not be used for her name. *See, e.g.*, Docket No. 12 in Case No. 17-cv-3456 EMC, and Docket No. 9 in Case No. 17-cv-3600 EMC. And she stated in one action that the Lily Ko Estate is withdrawn, while in some other actions she stated that Lily Ko was to replace Hui Lian Ke. *Compare* Docket No. 14 in Case No. 17-cv-2555 EMC *with* Docket No. 9 in Case No. 17-cv-3600 EMC. The use of “Ms.” by the Court was simply a courtesy and had no legal significance. In an effort to reduce the confusion prompted by her changes in her name, the Court will refer to her just by her litigation position, i.e., Plaintiff.

1 Ke v. Thurman, Case No. 17-cv-2555 EMC: Plaintiff did not file an amended complaint,
2 and the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
3 which she states that Junjie Ke is her son and Shengli Ke is her daughter, and included a sort of
4 birth certificate she handwrote for each child stating that she is the owner of the afterbirth of each
5 child, having contributed DNA. She states that she has “never received full disclosure to the
6 events and [has] done [her] best to recollect,” and that she and her children have foreign passports.
7 None of these facts suggest the violation of any right under the Constitution or laws of the United
8 States, as is necessary to state a claim under 42 U.S.C. § 1983. The document is not the amended
9 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
10 relief may be granted. Further leave to amend will not be granted because it would be futile: the
11 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
12 For these reasons, this action is dismissed for failure to state a claim upon which relief may be
13 granted. The clerk shall close the file.

14 Ke v. Fleming, Case No. 17-cv-3456 EMC: Plaintiff did not file an amended complaint,
15 and the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
16 which she states that she wants the action stayed “until Claimant closes it when all matters are
17 settled in full.” Docket No. 12. This action will not be stayed because no viable pleading has
18 been filed and there is no basis to think that any sort of settlement negotiations are underway,
19 given the incomprehensible nature of her pleadings. The “writ of error” is not the amended
20 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
21 relief may be granted. Further leave to amend will not be granted because it would be futile: the
22 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
23 For these reasons, this action is dismissed for failure to state a claim upon which relief may be
24 granted. The clerk shall close the file.

25 Ke v. Yang, Case No. 17-cv-3600 EMC: Plaintiff did not file an amended complaint, and
26 the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
27 which she states that she wants the action “to stay open until Claimant closes it when all matters
28 are settled in full.” Docket No. 9. This action will not be stayed because no viable pleading has

1 been filed and there is no basis to think that any sort of settlement negotiations are underway,
2 given the incomprehensible nature of her pleadings. The “writ of error” is not the amended
3 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
4 relief may be granted. Further leave to amend will not be granted because it would be futile: the
5 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
6 For these reasons, this action is dismissed for failure to state a claim upon which relief may be
7 granted. The clerk shall close the file.

8 Ke v. Magallanes, Case No. 17-cv-3605 EMC: Plaintiff did not file an amended
9 complaint, and the deadline by which to do so has passed. She did file a document entitled “writ
10 of error,” in which she states that she wants the action “to stay open until Claimant closes it when
11 all matters are settled in full.” Docket No. 10. This action will not be stayed because no viable
12 pleading has been filed and there is no basis to think that any sort of settlement negotiations are
13 underway, given the incomprehensible nature of her pleadings. The “writ of error” is not the
14 amended complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon
15 which relief may be granted. Further leave to amend will not be granted because it would be
16 futile: the Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to
17 cure them. For these reasons, this action is dismissed for failure to state a claim upon which relief
18 may be granted. The clerk shall close the file.

19 Ke v. Smith, Case No. 17-cv-3855 EMC: Plaintiff did not file an amended complaint, and
20 the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
21 which she states that she wants the action “to stay the proceeding until closed by Claimant.”
22 Docket No. 9. She also filed a “writ of supersedeas” to demand a stay of this action. *Id.* at 2.
23 This action will not be stayed because no viable pleading has been filed and there is no basis to
24 think that any sort of settlement negotiations are underway, given the incomprehensible nature of
25 her pleadings. Neither the “writ of error” nor the “writ of supersedeas” is the amended complaint
26 the Court ordered Plaintiff to file, and both fail to state a claim upon which relief may be granted.
27 Further leave to amend will not be granted because it would be futile: the Court had explained the
28 pleading deficiencies and Plaintiff was unable or unwilling to cure them. For these reasons, this

1 action is dismissed for failure to state a claim upon which relief may be granted. The clerk shall
2 close the file.

3 Ko v. Gilman, Case No. 17-cv-3929 EMC: Plaintiff did not file an amended complaint,
4 and the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
5 which she states that she wants the action stayed “until Claimant closes it when all matters are
6 settled in full.” Docket No. 8. This action will not be stayed because no viable pleading has been
7 filed and there is no basis to think that any sort of settlement negotiations are underway, given the
8 incomprehensible nature of her pleadings. The “writ of error” is not the amended complaint the
9 Court ordered Plaintiff to file, and the document fails to state a claim upon which relief may be
10 granted. Further leave to amend will not be granted because it would be futile: the Court had
11 explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them. For these
12 reasons, this action is dismissed for failure to state a claim upon which relief may be granted. The
13 clerk shall close the file.

14 Ko v. Vasquez, Case No. 17-cv-3930 EMC: Plaintiff did not file an amended complaint,
15 and the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
16 which she states that she wants the action stayed “until Claimant closes it when all matters are
17 settled in full.” Docket No. 9. This action will not be stayed because no viable pleading has been
18 filed and there is no basis to think that any sort of settlement negotiations are underway, given the
19 incomprehensible nature of her pleadings. The “writ of error” is not the amended complaint the
20 Court ordered Plaintiff to file, and the document fails to state a claim upon which relief may be
21 granted. Further leave to amend will not be granted because it would be futile: the Court had
22 explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them. For these
23 reasons, this action is dismissed for failure to state a claim upon which relief may be granted. The
24 clerk shall close the file.

25 Ke v. Pfaff, Case No. 17-cv-4225 EMC: Plaintiff did not file an amended complaint, and
26 the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
27 which she states that she wants the action “to stay open until Claimant closes it when all matters
28 are settled in full.” Docket No. 6. This action will not be stayed because no viable pleading has

1 been filed and there is no basis to think that any sort of settlement negotiations are underway,
2 given the incomprehensible nature of her pleadings. The “writ of error” is not the amended
3 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
4 relief may be granted. Further leave to amend will not be granted because it would be futile: the
5 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
6 For these reasons, this action is dismissed for failure to state a claim upon which relief may be
7 granted. The clerk shall close the file.

8 Ke v. Valeros, Case No. 17-cv-4227 EMC: Plaintiff did not file an amended complaint,
9 and the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
10 which she states that she wants the action “to stay open until Claimant closes it when all matters
11 are settled in full.” Docket No. 7. This action will not be stayed because no viable pleading has
12 been filed and there is no basis to think that any sort of settlement negotiations are underway,
13 given the incomprehensible nature of her pleadings. The “writ of error” is not the amended
14 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
15 relief may be granted. Further leave to amend will not be granted because it would be futile: the
16 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
17 For these reasons, this action is dismissed for failure to state a claim upon which relief may be
18 granted. The clerk shall close the file.

19 Ke v. McLoy, Case No. 17-cv-4228 EMC: Plaintiff did not file an amended complaint, and
20 the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
21 which she states that she wants the action “to stay open until Claimant closes it when all matters
22 are settled in full.” Docket No. 6. This action will not be stayed because no viable pleading has
23 been filed and there is no basis to think that any sort of settlement negotiations are underway,
24 given the incomprehensible nature of her pleadings. The “writ of error” is not the amended
25 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
26 relief may be granted. Further leave to amend will not be granted because it would be futile: the
27 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
28 For these reasons, this action is dismissed for failure to state a claim upon which relief may be

1 granted. The clerk shall close the file.

2 Ke v. Schwartz, Case No. 17-cv-4230 EMC: Plaintiff did not file an amended complaint,
3 and the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
4 which she states that she wants the action “to stay open until Claimant closes it when all matters
5 are settled in full.” Docket No. 6. This action will not be stayed because no viable pleading has
6 been filed and there is no basis to think that any sort of settlement negotiations are underway,
7 given the incomprehensible nature of her pleadings. The “writ of error” is not the amended
8 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
9 relief may be granted. Further leave to amend will not be granted because it would be futile: the
10 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
11 For these reasons, this action is dismissed for failure to state a claim upon which relief may be
12 granted. The clerk shall close the file.

13 Ke v. Cohen, Case No. 17-cv-4237 EMC: Plaintiff did not file an amended complaint, and
14 the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
15 which she states that she wants the action “to stay open until Claimant closes it when all matters
16 are settled in full.” Docket No. 6. This action will not be stayed because no viable pleading has
17 been filed and there is no basis to think that any sort of settlement negotiations are underway,
18 given the incomprehensible nature of her pleadings. The “writ of error” is not the amended
19 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
20 relief may be granted. Further leave to amend will not be granted because it would be futile: the
21 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
22 For these reasons, this action is dismissed for failure to state a claim upon which relief may be
23 granted. The clerk shall close the file.

24 Ke v. Valeros, Case No. 17-cv-4259 EMC: Plaintiff did not file an amended complaint,
25 and the deadline by which to do so has passed. She did file a document entitled “writ of error,” in
26 which she states that she wants “to stay the proceeding until closed by Claimant when all matters
27 are settled in full.” Docket No. 6. This action will not be stayed because no viable pleading has
28 been filed and there is no basis to think that any sort of settlement negotiations are underway,

1 given the incomprehensible nature of her pleadings. The “writ of error” is not the amended
2 complaint the Court ordered Plaintiff to file, and the document fails to state a claim upon which
3 relief may be granted. Further leave to amend will not be granted because it would be futile: the
4 Court had explained the pleading deficiencies and Plaintiff was unable or unwilling to cure them.
5 For these reasons, this action is dismissed for failure to state a claim upon which relief may be
6 granted. The clerk shall close the file.

7 **III. CONCLUSION**

8 Each of the referenced actions is **DISMISSED** for failure to state a claim upon which
9 relief may be granted. The Clerk shall close the file for each of the referenced actions.

10
11 **IT IS SO ORDERED.**

12
13 Dated: October 27, 2017

14 
15 _____
16 EDWARD M. CHEN
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28