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

MALINKA TACUMA WADE MOYE,

Plaintiff,

No. C 19-80004 WHA

v.

RESTAURANT DEPOT, JOHN DOES  
(1-80), and CITY OF SAN  
FRANCISCO/ALAIN PINEL

Defendants.

**PRE-FILING ORDER  
REFUSING PROPOSED  
AMENDED COMPLAINT  
BY VEXATIOUS LITIGANT**

**INTRODUCTION**

*Pro se* plaintiff Malinka Moye, a vexatious litigant, submitted an amended complaint alleging employment discrimination. For the following reasons, the amended complaint will not be accepted for filing.

**STATEMENT**

In 2009, after filing two dozen incomprehensible federal actions originating from a dispute over San Francisco properties once owned by Moye’s relative, the undersigned judge ordered plaintiff Moye to show cause why he should not be declared a vexatious litigant in this district. Moye responded with more of the same incomprehensible and frivolous claims, so he was declared a vexatious litigant and barred from filing further civil complaints in the Northern District of California without first obtaining a pre-filing review from the undersigned judge. The order barred Moye from filing another civil complaint with “substantially the same

1 allegations regarding the alleged fraudulent transfer, embezzlement or robbery of real estate  
2 named the Hurdle Estate; plaintiff’s alleged false imprisonment; defendants’ alleged robbery,  
3 assault or attempted murder of plaintiff; conspiracy to murder plaintiff; or illegal concealment  
4 of a child” (Case No. C 09-03892 WHA, Dkt. No. 30).

5 Plaintiff Moye now alleges employment discrimination in failure to hire, failure to  
6 promote, and other acts described in his amended complaint. His statements of allegations are  
7 disjointed and incomplete. He initially alleges employment discrimination via hate crime and  
8 assault and a “set up for false imprisonment” by co-workers at defendant Restaurant Depot.  
9 He alleges “realty fraud against Alain Pinel through co-workers” and he mentions “home  
10 illegally sold.” He alleges illegal taking of money out of his paycheck for garnishment and  
11 states he is being threatened by “Mr. Back Pay, illegal court ordered debt.” Moye attached  
12 an August 2018 charge-of-discrimination form that he filed with the Equal Employment  
13 Opportunity Commission where he alleged race, color, retaliation, age and religious  
14 discrimination. He stated that coworkers that “were in jail with (sic) got into my personal  
15 business, and they decided to garnish my paycheck illegally.” He stated that he was threatened  
16 with violence, that coworkers “tried to set up pallets to fall on me in freezer.” The EEOC  
17 responded within two days that it was closing Moye’s case.

18 Most of Moye’s 23-page exhibits do not relate to this amended complaint.  
19 Moye included letters he wrote to the FBI dated 2016. He submitted a paystub in his exhibits  
20 that shows he owes back taxes and child support, both of which are being garnished from his  
21 wages. He sees these deductions as illegal. He included a 2004 letter from the U.S. Department  
22 of Education, Office of Civil Rights, denying him relief from his student loans. He included an  
23 undated San Francisco Police Department Incident Report (No. 060336221) with an incoherent  
24 discussion of a 2006 conversation between a landlord, a police officer and Moye. He included a  
25 photograph of an unnamed person and undated handwritten notes telling him to stay away from  
26 a building.

27 Exhibits attached to Moye’s complaint also include letters from Department of Fair  
28 Employment and Housing (DFEH) dated November 2018 where it closed its files related to his

1 2018 inquiries against defendants from the 2009 pre-‘vexatious litigant’ cases: Old Republic  
2 Title, Co., Red Oak Realty, Stockdale, et al., Baca, et al. These DFEH letters stated it lacked  
3 “jurisdiction to proceed because prima facie has not been met.”

4 **ANALYSIS**

5 Federal courts have the inherent power to regulate the activities of vexatious litigants.  
6 Under Section 1651(a) of Title 28 of the United States Code, courts may restrict litigants with  
7 abusive and lengthy histories from further filing. *De Long v. Hennessey*, 912 F.2d 1144, 1147  
8 (9th Cir. 1990).

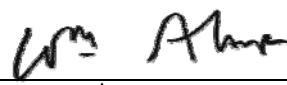
9 Moye’s amended complaint names his former employer, Restaurant Depot, as a  
10 defendant but inexplicably adds in defendants from his old allegations that are barred by the  
11 pre-filing order, the City of San Francisco/Alain Pinel (sic). As a supposed employment  
12 discrimination complaint against an employer, if Moye had clearly stated a claim, that claim  
13 may fall outside the bounds of the pre-filing order. However, Moye’s initial and his amended  
14 complaints are both incomprehensible allegations of old accusations barred by the pre-filing  
15 order and current allegations that are nonsensical and do not pertain to employment.  
16 The amended complaint includes an allegation of “Refusing to give up home, freedom, beliefs  
17 against organized crime.”

18 **CONCLUSION**

19 The subject matter of the new complaint is so incomprehensible that it cannot be said  
20 with clarity to avoid the pre-filing bar. There is too great a risk that plaintiff, if the complaint is  
21 allowed, will slip in the same old story again. Consequently, this complaint will not be  
22 accepted for filing.

23  
24 **IT IS SO ORDERED.**

25  
26 Dated: April 2, 2019.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE