

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

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FRED A. WHITAKER,
Plaintiff,
vs.
SUPERIOR COURT OF ALAMEDA COUNTY *et al.*,
Defendant(s).

Case No.: 12-MC-80305 YGR
ORDER DENYING FILING OF COMPLAINT

Plaintiff Fred Whitaker has filed a complaint challenging the procedures followed by the California courts in declaring him a vexatious litigant, and also challenges the constitutionality of California’s Vexatious Litigant Statute, California Code of Civil Procedure §§ 391 *et seq.* Plaintiff is subject to a Prefiling Order requiring review and approval by the Court of any actions filed in propria persona. *Whitaker v. Alameda Superior Court*, C-08-1618 PJH, Dkt. No. 33 (N.D. Cal. Jul. 22, 2008). The Prefiling Order states that “plaintiff’s challenge to the Vexatious Litigant Statute has been fully and fairly litigated in the past, and Plaintiff has been apprised of that fact by numerous courts. Thus, the present action is patently frivolous.” (*Id.* at 6.)

The Court, as general duty judge, has reviewed plaintiff’s complaint and finds that it is patently frivolous, and thus may not be filed. The Clerk of Court shall accept no more filings in this action.

IT IS SO ORDERED.

Date: January 29, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE