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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SHRUTI SHETTY,
Plaintiff,
vs.
ALPHABET, et al.,
Defendants.

Case No: C 17-00589 SBA

**ORDER RE: MOTION TO UPHOLD
ORDER AND ASSOCIATE CASE**

Dkt. 17

17 On February 3, 2017, Plaintiff Shruti Shetty (“Plaintiff”) filed the instant pro se
18 action against more than a dozen defendants, along with a request to proceed in forma
19 pauperis (“IFP”). Dkt. 1, 2. On February 27, 2017, the Court issued an Order Dismissing
20 Plaintiff’s Complaint with Leave to Amend. Dkt. 10. The Court afforded Plaintiff until
21 March 20, 2017 to file an amended complaint, and cautioned, “Failure to file an amended
22 complaint by this deadline may result in the dismissal of the action in its entirety without
23 further leave to amend.” Id. at 5-6.

24 On March 15, 2017, Plaintiff filed a request for transfer of the action to San
25 Francisco and permission to participate in electronic case filing (“e-filing”). Dkt. 11.
26 Plaintiff also filed a separate request for reassignment of another case—No. 16-CV-
27 06012—pending before Judge Haywood Gilliam, Jr. and transfer of both actions to San
28 Francisco. Dkt. 13. The Court separately denied both requests. Dkt. 12, 15.

1 On March 27, 2017, Plaintiff filed a request for an extension of the amendment
2 deadline, seeking a “few additional days” to file an amended complaint. Dkt. 14. On
3 March 28, 2017, the Court issued an Order Granting Plaintiff’s Request for Extension of
4 Time to Amend Complaint. Dkt. 16. The Court found Plaintiff’s justifications for an
5 extension unpersuasive. Mindful of its obligation to consider less drastic alternatives to
6 dismissal, however, the Court afforded Plaintiff until April 7, 2017 to file an amended
7 complaint. *Id.* Again, the Court warned Plaintiff, “**failure to file an amended complaint**
8 **by this deadline WILL RESULT IN THE DISMISSAL OF THE ACTION IN ITS**
9 **ENTIRELY WITHOUT FURTHER LEAVE TO AMEND.**” Dkt. 16 at 2 (emphasis in
10 original). To date, Plaintiff has not filed an amended complaint.

11 On April 14, 2017, Plaintiff filed the instant motion to “uphold order” and “associate
12 case.” Dkt. 17.¹ The 18-page, single-spaced “motion” is rambling, discursive, utterly
13 unintelligible, and openly hostile toward the Court and others.² To the extent the Court can
14 ascertain or surmise the substance of Plaintiff’s requests, it addresses them, in turn, below.

15 First, Plaintiff brings a motion to “associate case and defendants.” Dkt. 17 at 1; *id.*
16 at 13. Insofar as this is a request to relate cases, the Court notes that it does not comply
17 with Civil Local Rule 3-12, which governs such requests.³ Moreover, Plaintiff merely
18 identifies three cases that she wishes to “associate” without even attempting to establish
19 that the actions are related. *See* Civil Local Rule 3-12(a) (“An action is related to another
20 when: (1) [t]he actions concern substantially the same parties, property, transaction or

21 _____
22 ¹ The Court notes that Plaintiff filed an identical “motion” (Dkt. 22) in Case No. 16-
CV-06012-HSG.

23 ² For example, as regards this Court, Plaintiff states, “Your behavior is severely
24 tarnishing of all our afforded standing and court needs to STOP entertaining agents
25 irrelevant to the matter.” Dkt. 17 at 9. More concerning, however, are Plaintiff’s remarks
26 regarding defendants and other unnamed actors. For example, Plaintiff asserts that certain
27 “public figures that are at fault” “deserves a [*sic*] **hang to death for attempting to**
trespass our privacy and impersonate or build associations with us and if not granted
28 requires us to kill them using our own channels” Dkt. 17 at 12 (emphasis in original).
The Court admonishes Plaintiff to omit such vitriolic remarks from any future filings.

³ For Plaintiff’s reference, the district court’s civil local rules can be found at
<http://cand.uscourts.gov/localrules/civil>.

1 event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of
2 labor and expense or conflicting results if the cases are conducted before different
3 judges.”). Finally, the Court notes that Plaintiff’s request is directed at Case Nos. 17-CV-
4 00928-JSW, 17-CV-00925-LB, and 17-CV-00933-LB, not the instant action. Dkt.17 at 1,
5 13. For all of the foregoing, reasons, Plaintiff’s motion to “associate case” is DENIED.

6 Second, Plaintiff brings a motion to “uphold order.” Dkt. 17 at 1. The Court cannot
7 fully surmise the nature of this request. Plaintiff moves to “UPHOLD Order denying” five
8 bulleted matters. Id. As a threshold matter, a request to “uphold” a prior order is a request
9 to let those orders stand, not a request to revisit or reverse those orders. Even if this Court
10 were to presume that (despite use of the word “uphold”) Plaintiff is actually challenging the
11 Court’s prior orders, her request is still ambiguous. Although the bulleted items include
12 matters that have been the subject of prior orders (i.e., “Electronic Case Filing”), they also
13 include matters that no prior order has addressed (i.e., “[a]ccept current complaint with
14 sealed declarations . . .” and “[c]lose jury or public access to the matter permanently . . .”).
15 Id. These new requests are set forth in bulleted format without argument or support. Thus,
16 insofar as Plaintiff is seeking any affirmative relief for the first time through her “motion to
17 uphold order,” such relief is DENIED.

18 Finally, insofar as the motion to “uphold order” constitutes a request for
19 reconsideration, said request is infirm. As a threshold matter, the Court notes that the
20 request does not comply with Civil Local Rule 7-9, which governs motions for
21 reconsideration. Specifically, “No party may notice a motion for reconsideration without
22 first obtaining leave of Court to file the motion.” Civil Local Rule 7-9(a). Plaintiff does
23 not comply with this requirement and otherwise fails to make the requisite showing under
24 Rule 7-9. See Civil Local Rule 7-9(b). The Court may summarily deny motions that do
25 not comply with the local rules. See Tri-Valley CAREs v. U.S. Dept. of Energy 671 F.3d
26 1113, 1131 (9th Cir. 2012) (“Denial of a motion as the result of a failure to comply with
27 local rules is well within a district court’s discretion.”). Moreover, Plaintiff fails to raise,
28 let alone establish, any ground for reconsideration. See Fed. R. Civ. P. 60(b) (providing for

1 reconsideration upon a showing of (1) mistake, inadvertence, surprise, or excusable neglect;
2 (2) newly discovered evidence; (3) an adverse party's fraud, misrepresentation, or other
3 misconduct; (4) a void judgment; (5) a satisfied, released or discharged judgment; or
4 (6) any other reason that justifies relief). Thus, insofar as Plaintiff seeks reconsideration of
5 any prior order through her "motion to uphold order," such relief is DENIED.

6 Nevertheless, the Court notes that Plaintiff refers to an "enlargement of time to
7 address amendment of complaint which [she] think[s] is unnecessary" Dkt. 17 at 13.
8 Although it is under no obligation to do so, the Court will afford Plaintiff an additional
9 seven days to amend her complaint, with three additional days for service of the instant
10 order by mail. **Accordingly, Plaintiff shall file her amended complaint by no later than**
11 **Friday, April 28, 2017. The Court warns Plaintiff that failure to file an amended**
12 **complaint by this deadline WILL RESULT IN THE DISMISSAL OF THE ACTION**
13 **IN ITS ENTIRETY WITHOUT FURTHER LEAVE TO AMEND, pursuant to**
14 **Federal Rule of Civil Procedure 41(b). The Court will NOT grant a further extension**
15 **or entertain any other motion or request until an amended complaint is on file.**

16 IT IS SO ORDERED.

17 Dated: 4/18/2017


18 SAUNDRA BROWN ARMSTRONG
19 Senior United States District Judge
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