UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KUANG-BAO P. OU-YOUNG,

Plaintiff,

v.

MARK B. BUSBY, et al.,

Defendants.

Case No. 24-mc-80286-JST

**ORDER GRANTING LEAVE TO FILE COMPLAINT**

Re: ECF No. 1

Now before the Court is Plaintiff Kuang-Bao P. Ou-Young's ("Plaintiff") proposed complaint filed on November 22, 2024, in Case No. 24-mc-80286 ("the Complaint"). Plaintiff has been declared a vexatious litigant who must obtain leave of court before filing any suit alleging certain types of claims. In 2013, Judge Chen issued a vexatious litigant order stating that Plaintiff "must obtain leave of court before filing any further suits alleging any violations of the federal criminal statutes, pursuant to 18 U.S.C. § 1512(b), 18 U.S.C. § 1512(c), and 18 U.S.C. § 371, and the FTCA, codified at 28 U.S.C. § 2671 et seq., involving parties that he named in the current case" or certain other cases Plaintiff previously filed. *See Ou-Young v. Roberts*, No. C-13-4442 EMC, 2013 WL 6732118, at *11, 16–17 (N.D. Cal. Dec. 20, 2013). In 2019, Judge Freeman issued an order requiring Plaintiff to obtain leave of court before filing any complaint against federal judges. *See Ou-Young v. Stone*, No. 19-cv-07000-BLF, 2019 WL 6619879 at *9 (N.D. Cal. Dec. 5, 2019). As general duty judge, the undersigned now reviews the Complaint to determine whether it is subject to either of these orders requiring pre-filing approval.

Having reviewed the Complaint, the Court finds that it does not fall within the scope of either pre-filing approval order because the Complaint does not involve any of the parties or claims subject to the orders. The prior orders require Plaintiff to obtain leave of court before filing

certain federal claims, and claims against federal judges and certain other federal officials. But here, the Complaint alleges violation of 42 U.S.C. § 1985, which is not one of the federal claims prohibited by Plaintiff's pre-filing orders. He also names as defendants California state entities and officials, including the State of California, the Judicial Council, the State Bar, former Governor Brown, and several state judges, as well as the Clerk of the Northern District of California, which are not parties covered by either pre-filing order. Accordingly, the proposed complaint is not subject to the above-referenced orders requiring pre-filing approval.

The Court therefore directs the Clerk to file the Complaint and randomly assign the case under its standard new case assignment process.[1]

**IT IS SO ORDERED.**

Dated: November 25, 2024

JON S. TIGAR
United States District Judge

[1] The Complaint makes what appear to be facially frivolous allegations against state court judges and other judicial employees who are immune from suit, as Plaintiff appears to concede. See ECF No. 1 ¶ c1 ("Moreover, said state defendants have acted under color of judicial immunity."). Plaintiff has recently filed other cases with these same deficiencies. *See Ou-Young v. State of California*, Case No. 3:24-cv-07557-MMC (N.D. Cal.); *Ou-Young v. State of California*, Case No. 4:24-mc-80268-HSG (N.D. Cal.). "It will be for the district judge eventually assigned this case to decide whether further expansion of the scope of the pre-filing review order is warranted given Plaintiff's litigation history." *Ou-Young v. State of California*, Case No. 4:24-mc-80268-HSG, ECF No. 2 at 2 n.1 (N.D. Cal. Oct. 30, 2024).