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United States District Court
Northern District of California

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

IN RE:
MICHAEL S. IOANE, SR.

Debtor.

CASE NO. 99-CV-21119-SW
Bankruptcy Court Case No. 98-57226-SLJ

**ORDER DENYING PERMISSION TO FILE
PURSUANT TO PRE-FILING ORDER**

Debtor Michael S. Ioane, Sr., acting *pro se*, filed a Motion to Reopen in his prior bankruptcy case, No. 98-57226-SLJ, seeking to present his arguments about a violation of the automatic bankruptcy stay pertaining to a nonjudicial foreclosure of real property (“the Blue Gum Property”) that occurred in August 1998.

On August 25, 2000, in the case of *Michael and Shelly Ioane, and Paradise Solutions, v Santa Clara County Sheriff Laurie Smith, et al.*, Northern District of California Case No. 99-21119-SW, District Judge Spencer Williams dismissed the action therein and issued an Order to Show Cause on Plaintiffs Why the Sanction of Pre-Filing Review Should Not Be Granted. (*Id.* at Dkt. No. 167 [“the OSC”].) The OSC detailed many actions Mr. Ioane had undertaken in the district court, the state court, and the bankruptcy court concerning his loss of title to the Blue Gum Property.


On September 26, 2000, District Judge Spencer Williams entered an Order Imposing Sanction of Pre-Filing Review on Michael Ioane and Shelly Olson, aka Shelly Ioane (Case No. 99-cv-21119-SW, Dkt. No. 171 [“Prefiling Order”].) The Prefiling Order requires Mr. Ioane to obtain permission prior to filing any new lawsuit, including “every complaint, petition, application, or request he files in this district,” except for those filed before the date of entry of the Prefiling Order. (*Id.* at 2 [“This Order does not apply to any lawsuit filed before September 26, 2000.”].)

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Pursuant to the Prefiling Order, the Court **DENIES** Mr. Ioane permission to file the Motion to Reopen. Notwithstanding its caption, Mr. Ioane’s motion is a new adversary proceeding in a closed bankruptcy case, and therefore a new “complaint, petition, application, or request” filed after the issuance of the Prefiling Order.¹

IT IS SO ORDERED.

Dated: June 14, 2021



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

¹ The Court further notes that the bankruptcy court Order of April 8, 2021 issued by U.S. Bankruptcy Judge Stephen L. Johnson denied the motion to reopen on its merits, notwithstanding Mr. Ioane’s failure to obtain permission to file the Motion to Reopen. (See Northern District of California Bankruptcy Court Case No. 98-57226, Dkt. No. 152.)