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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

KUANG-BAO P. OU-YOUNG,
Plaintiff,

v.

BRUCE IVES, an individual, and F.
JOSEPH WARIN, an individual,
Defendants.

KUANG-BAO P. OU-YOUNG,
Plaintiff,

v.

BRUCE IVES, an individual, and F.
JOSEPH WARIN, an individual,
Defendants.

Case No. 15-mc-80149-BLF

Case No. 15-mc-80151-EJD

**ORDER DENYING LEAVE TO FILE
COMPLAINTS**

Pro se Plaintiff Kuang-Bao P. Ou-Young has been declared a vexatious litigant who must obtain leave of court before filing certain types of lawsuits, including those “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.” *See* Order Granting United States’ Mot. to Dismiss and Declaring Plaintiff a Vexatious Litigant (“Vexatious Litigant Order”), ECF 40 in Case No. 3:13-cv-04442-EMC.

Before the Court are two proposed complaints submitted by Plaintiff and received by the Court on May 29, 2015 and June 1, 2015, in which Plaintiff purports to sue Bruce Ives and Joseph Warin. *See* Received Complaint, ECF 1 in Case No. 5:15-mc-80149-BLF; Received Complaint,

1 ECF 1 in Case No. 5:15-mc-80151-EJD. The two proposed complaints, which are identical, assert
2 claims of “Fabrication” and “Intimidation” under 18 U.S.C. § 1512(c) and 18 U.S.C. § 1512(b),
3 respectively. Thus the proposed complaints fall squarely within the above-referenced order
4 requiring pre-filing review.

5 The proposed complaints are substantially similar to two prior proposed complaints
6 submitted to this Court in *Ou-Young v. Ives, et al.*, Case No. 14-mc-80332-BLF, and *Ou-Young v.*
7 *Ives, et al.*, Case No. 14-mc-80335-BLF. In both cases, this Court determined that the proposed
8 complaints failed to state a cognizable claim and thus denied Plaintiff leave to file them.
9 Specifically, the Court noted that the statutory provisions under which Plaintiff sought to bring his
10 claims, 18 U.S.C. § 1512(b)-(c), are federal criminal statutes that do not confer a private right of
11 action. Because Plaintiff’s current proposed complaints are brought under those same statutory
12 provisions, they likewise fail to state a cognizable claim.

13 Accordingly, the Court hereby DENIES leave to file the proposed complaints.

14 **IT IS SO ORDERED.**

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16 Dated: June 5, 2015

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BETH LABSON FREEMAN
United States District Judge

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