

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  
SAN JOSE DIVISION

KUANG-BAO P. OU-YOUNG,  
Plaintiff,  
v.  
BRUCE IVES, et al.,  
Defendant.

Case No. 15-MC-80197-LHK

**ORDER DENYING LEAVE TO FILE  
COMPLAINT**

Re: Dkt. No. 1

Plaintiff has been declared a vexatious litigant and is subject to a pre-filing order which requires him to “obtain leave of [the] court before filing any further suits alleging any violations of the federal criminal statutes . . . 18 U.S.C. § 1512(b) [and] 18 U.S.C. § 1512(c).” *Ou-Young v. Roberts*, 13-CV-04442-EMC (N.D. Cal.), ECF No. 40 at 16. In the instant filing, Plaintiff seeks to file a complaint against Bruce Ives and F. Joseph Warin for allegedly violating “federal criminal statutes . . . 18 U.S.C. §§ 1512(b) and 1512(c).” ECF No. 1 ¶ 1. Pursuant to the pre-filing order, the Court must “determine whether Plaintiff has stated a potentially cognizable claim in a short, intelligible and plain statement.” 13-CV-04442-EMC (N.D. Cal.), ECF No. 40 at 17.

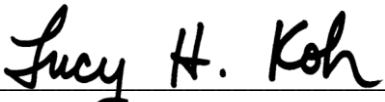
Plaintiff has failed to meet this requirement. In fact, Plaintiff seeks to file the same complaint that Plaintiff sought to file in *Ou-Young v. Ives*, 15-MC-80235-EJD (N.D. Cal.). In that

1 action, U.S. District Judge Edward Davila concluded that “the criminal statutes Plaintiff cites in  
2 the Complaint do not provide for a private cause of action.” 15-MC-80235-EJD (N.D. Cal.), ECF  
3 No. 2 at 2. “This remains true no matter how many times [Plaintiff] submits this pleading.” *Id.*  
4 Accordingly, Judge Davila found Plaintiff’s complaint “barred by the pre-filing order.” *Id.*

5 Consistent with Judge Davila’s ruling, the Court finds that Plaintiff has failed to state a  
6 cognizable claim in the instant complaint. The Court therefore DENIES Plaintiff leave to file the  
7 complaint. The Clerk shall close the file.

8 **IT IS SO ORDERED.**

9 Dated: April 15, 2016

10   
11 \_\_\_\_\_  
12 LUCY H. KOH  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27