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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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

Case No. [5:15-mc-80235-EJD](#)

**ORDER DENYING LEAVE TO FILE
COMPLAINT**

Plaintiff Kuang-Bao P. Ou-Young has been declared a vexatious litigant and is subject to a pre-filing order which specifically requires him to “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. § 371, and the FTCA, codified at 28 U.S.C. § 2671 et seq.” See Docket Item No. 40, Case No. 3:13-cv-04442-EMC. Undeterred by the numerous other occasions when this court has denied him leave to file the same Complaint,¹ Plaintiff again seeks to file a Complaint against Bruce Ives and F. Joseph Warin for alleged violations of two statutes enumerated in the pre-filing order - §§ 1512(b) and 1512(c). The court reviews the pleading to “determine whether Plaintiff has stated a potentially cognizable claim in short, intelligible and plain statement.” Id.

¹ See Case Nos. 5:14-mc-80332-BLF; 5:15-mc-80335-BLF; 3:14-mc-80343-WHA; 5:15-mc-80031-YGR; 5:15-mc-80149-BLF; 5:15-mc-80151-EJD; 5:15-mc-80172-EJD; 5:15-mc-80192-EJD; 5:15-mc-80212-BLF.

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He has not. Simply put, the criminal statutes Plaintiff cites in the Complaint do not provide for a private cause of action. This remains true no matter how many times he submits this pleading. The Complaint is therefore barred by the pre-filing order and leave to file it is DENIED.

IT IS SO ORDERED.

Dated: September 16, 2015


EDWARD J. DAVILA
United States District Judge