

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DANIEL DELACRUZ,
Plaintiff,
v.
TANIMURA & ANTLE, INC., et al.,
Defendants.

Case No. 23-cv-03034-VKD

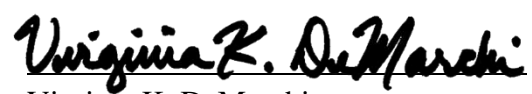
**ORDER DENYING WITHOUT
PREJUDICE TAI DEFENDANTS'
MOTION TO DEEM PLAINTIFF A
VEXATIOUS LITIGANT**

Re: Dkt. No. 31

Defendants Tanimura & Antle, Inc. (“TAI”), Mike Antle, and Carmen Ponce (collectively, “TAI defendants”) move for an order deeming plaintiff Daniel Delacruz a vexatious litigant. Dkt. No. 31. The motion raises serious concerns regarding whether Mr. Delacruz has engaged in “abuse of the judicial process.” *See De Long v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990). However, because an order imposing pre-filing restrictions on a litigant is “an extreme remedy” that should “rarely” be used, *id.* at 1147, and because the Court is giving Mr. Delacruz an opportunity to amend his complaint, the Court at this juncture denies the TAI defendants’ motion to declare Mr. Delacruz a vexatious litigant. This denial is without prejudice to the TAI defendants reasserting the same request at a later point in these proceedings.

IT IS SO ORDERED.

Dated: May 9, 2024


Virginia K. DeMarchi
United States Magistrate Judge