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5 UNITED STATES DISTRICT COURT  
6 SOUTHERN DISTRICT OF CALIFORNIA  
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8 BRANDON FAVOR, CDCR #G-60488;  
9 LUIS MANUEL GARCES,  
10 CDCR #V-47652,

11 Plaintiffs,

12 vs.

13 STATE OF CALIFORNIA, et al.,

14 Defendants.  
15  
16

Case No.: 3:17-cv-00587-CAB-JMA

**ORDER GRANTING MOTION TO  
WITHDRAW COMPLAINT AND  
STRIKING MOTION FOR  
EXTENSION OF TIME**

**[ECF Nos. 3, 5]**

17 On March 20, 2017, “Brandon Favor, LLP,” a prisoner incarcerated at California  
18 Correctional Institution (“CCI”) in Tehachapi, filed a civil rights complaint pursuant to  
19 42 U.S.C. § 1983 on behalf of a fellow inmate, Manuel Luis Garces. (ECF No. 1).

20 The Complaint is not signed by Garces, but is instead signed by Favor, who claims  
21 to be a limited liability partnership doing business as “Miller & Miller Associates, 3307  
22 West 43rd Street, Los Angeles, California.”<sup>1</sup> (ECF No. 1 at 1, 8.) The pleading contains  
23 constitutional catchphrases like “freedom from cruel and unusual punishment,” “equal  
24 protection,” and “due process,” but it contains no factual allegations whatsoever, and it  
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27 <sup>1</sup> According the California State Bar website, the address provided by Favor is for Halvor Thomas Miller,  
28 Jr., California State Bar #40247, an attorney who is no longer eligible to practice law in California. *See*  
<http://members.calbar.ca.gov/fal/Member/Detail/40247> (last visited June 29, 2017).

1 seeks injunctive relief preventing “further prosecution,” and ordering “immediate release  
2 with or by bond/bail.” (*Id.* at 4-7.)

3         Neither Favor nor Garces paid the \$400 civil filing fee required to commence a  
4 civil action pursuant to 28 U.S.C. § 1914(a), and neither had filed a Motion to Proceed In  
5 Forma Pauperis (“IFP”) pursuant to 28 U.S.C. § 1915(a). Indeed, Brandon Favor, CDCR  
6 #G-60488, is no longer entitled to proceed IFP as a result of his frivolous filing. *See*  
7 *Favor v. Richard J. Donovan Correctional Facility, et al.*, S.D. Cal. Civil Case No. 3:15-  
8 cv-01547-AJB (DHB) (Oct. 21, 2015) (Order denying leave to proceed IFP pursuant to  
9 28 U.S.C. § 1915(g)) (ECF No. 7); *Bias v. Moynihan*, 508 F.3d 1212, 1225 (9th Cir.  
10 2007) (court ““may take notice of proceedings in other courts, both within and without  
11 the federal judicial system, if those proceedings have a direct relation to matters at  
12 issue.””) (quoting *Bennett v. Medtronic, Inc.*, 285 F.3d 801, 803 n.2 (9th Cir. 2002)).  
13 Therefore, this case is subject to immediately dismissal for this reason alone.

14         However, on April 5, 2017, Plaintiff Garces filed a Motion requesting the  
15 “withdrawal” of the Complaint “without prejudice,” acknowledging it was filed by Favor.  
16 Garces also requests no further “document, motion, complaint or request ... be filed on  
17 [his] behalf ... by Mr. Brandon Favor.” (ECF No. 3 at 1.)

### 18         **Conclusion and Order**

19         The Court construes Garces’ request as a Notice of Voluntary Dismissal and  
20 **GRANTS** his Motion to Withdraw pursuant to FED. R. CIV. P. 41(a)(1) (ECF No. 3). The  
21 case is **DISMISSED** without prejudice. Brandon Favor’s subsequent Motion for  
22 Extension of Time (ECF No. 5) is **STRICKEN** from the record.

23         The Clerk shall enter judgment accordingly. **IT IS SO ORDERED.**

24 Dated: June 30, 2017

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27 Hon. Cathy Ann Bencivengo  
28 United States District Judge