

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
SOUTHERN DISTRICT OF CALIFORNIA

MONTOREY DANYELL HARPER, et
al., pro se,

Plaintiffs,

v.

UNITED STATES, et al.,

Defendants.

Case No.: 3:17-cv-01965-GPC-NLS
(Other Cases Listed Below)

- ORDER:**
- (1) SUA SPONTE DISMISSING PLAINTIFFS' COMPLAINTS**
 - (2) DENYING AS MOOT PLAINTIFFS' MOTIONS TO PROCEED IN FORMA PAUPERIS**
 - (3) ORDERING PLAINTIFFS TO FILE A BRIEF SHOWING CAUSE AS TO WHY THEY ARE NOT VEXATIOUS LITIGANTS**
 - (4) ORDERING, IN THE EVENT OF PLAINTIFFS' NON-RESPONSE, PRE-FILING SCREENING AND DECLARING PLAINTIFFS VEXATIOUS LITIGANTS**

1 **I. SUA SPONTE DISMISSAL OF CASES FILED ON SEPTEMBER 27, 2017**

2 On September 27, 2017, Plaintiffs Montorey Danyell Harper and Montorey LLC
3 (“Plaintiffs”), proceeding pro se, filed twenty-three complaints against Defendants the
4 United States, et al. Several of these complaints have already been dismissed by this Court,
5 and by Judges Bashant and Houston pursuant to 28 U.S.C. § 1915(a).¹ Several more of
6 these cases were transferred to this Court pursuant to this district’s low number rule. *See*
7 S.D. Cal. Civil Local Rule 40.1(e). Further, three additional cases were originally assigned
8 to this Court as Case Nos. 17-cv-1967, 17-cv-1973, and 17-cv-1977.

9 A complaint filed by any person proceeding IFP, pursuant to 28 U.S.C. § 1915(a),
10 is additionally subject to mandatory sua sponte screening. The Court must dismiss any
11 complaint if at any time the Court determines that it is “frivolous or malicious,” “fails to
12 state a claim on which relief may be granted,” or “seeks monetary relief from a defendant
13 who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B)(i)–(iii); *Calhoun v. Stahl*, 254
14 F.3d 845 (9th Cir. 2001) (per curiam); *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000)
15 (en banc).

16 The requirements under 28 U.S.C. § 1915(e)(2)(B)(ii) are analogous to those under
17 Federal Rule of Civil Procedure (hereinafter “Rule”) 12(b)(6). Under Rule 8, a pleading
18 must contain “a short and plain statement of the claim showing that the pleader is entitled
19 to relief.” Fed. R. Civ. P. 8(a)(2). While a plaintiff need not give “detailed factual
20 allegations,” a plaintiff must plead sufficient facts that, if true, “raise a right to relief above
21 the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 545 (2007). To state
22 a claim upon which relief may be granted “a complaint must contain sufficient factual
23 matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v.*
24 *Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 547). A claim is facially
25 plausible when the factual allegations permit “the court to draw the reasonable inference
26

27
28

¹ *See* Case Nos. 17-cv-1974, 17-cv-1975, 17-cv-1979, 17-cv-1980, 17-cv-1982, 17-cv-1987.

1 that the defendant is liable for the misconduct alleged.” *Id.* In other words, “the non-
2 conclusory ‘factual content,’ and reasonable inferences from that content, must be
3 plausibly suggestive of a claim entitling the plaintiff to relief.” *Moss v. U.S. Secret Service*,
4 572 F.3d 962, 969 (9th Cir. 2009). “Determining whether a complaint states a plausible
5 claim for relief will . . . be a context-specific task that requires the reviewing court to draw
6 on its judicial experience and common sense.” *Iqbal*, 556 U.S. at 679.

7 In addition to the liberal pleading standards set out in Rule 8(a), a document filed
8 pro se is “to be liberally construed.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). When the
9 plaintiff is appearing pro se, the court affords the plaintiff any benefit of the doubt.
10 *Thompson v. Davis*, 295 F.3d 890, 895 (9th Cir. 2001); *Karim-Panahi*, 839 F.2d 621, 623
11 (9th Cir. 1988).

12 The Court will provide a brief summary table indicating the apparent basis of each
13 of Plaintiffs’ complaints below. The Court finds that each of Plaintiffs’ complaints in the
14 below list are scattered, not comprehensible, are unsupported by any factual allegations,
15 and consequently fail to state a claim that is plausible. As pleaded, the allegations in each
16 of the below complaints are insufficient to put Defendants on notice of the claims against
17 them as required by Federal Rule of Civil Procedure Rule 8.

18 Accordingly, the Court will **DISMISS** each of the complaints below for failing to
19 state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court denies as moot each
20 Motion for Leave to Proceed In Forma Pauperis filed in each of the below cases. The Clerk
21 of Court is directed to close each of the cases listed below.

Case Number	Case Name	Description of Complaint ²
<u>3:17-cv-01965-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements that Defendants are engaged in technology crime and fraud involving a Samsung Galaxy S3.

22
23
24
25
26
27
28 ² Each complaint is incoherent. The Court’s attempt to discern the contents of the complaint is made solely for the purpose of identification of the basis for why the complaint fails to state a plausible claim.

1	<u>3:17-cv-01966-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements regarding a “spiritual intrusion” and the “use of drugs” by the San Diego police Department to attack the plaintiff.
2			
3			
4			
5	<u>3:17-cv-01968-GPC-NLS</u>	Harper et al v. US et al	Plaintiff appears to make miscellaneous statements regarding spiritual attacks upon him and apparent issues with women’s organizations
6			
7			
8			
9	<u>3:17-cv-01969-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements that he has been wronged by CNN and the State of Tennessee through an allegation of assault and other issues
10			
11			
12			
13	<u>3:17-cv-01970-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements that he was run over by a man in a vehicle.
14			
15	<u>3:17-cv-01971-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements that a female Sheriff officer attacked him.
16			
17			
18	<u>3:17-cv-01972-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements regarding abuse involving someone named “Bow Wow”
19			
20			
21	<u>3:17-cv-01976-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements about potential racketeering between the judicial system and the United States
22			
23			
24	<u>3:17-cv-01978-GPC-NLS</u>	Harper et al v. US et al	Plaintiff appears to make miscellaneous statements regarding television host Megan Kelly
25			
26			
27	<u>3:17-cv-01981-GPC-NLS</u>	Harper v. US, Washington DC et al	Plaintiff appears to make miscellaneous statements
28			

		regarding Microsoft and Bill Gates
<u>3:17-cv-01983-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements that technology interference interrupted a lawsuit he drafted
<u>3:17-cv-01984-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements regarding politicians
<u>3:17-cv-01985-GPC-NLS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements regarding spiritual assaults from a former church
<u>3:17-cv-01986-GPC-NLS</u>	Harper et al v. US et al	Plaintiff appears to make miscellaneous statements regarding McDonalds
<u>3:17-cv-01967-GPC-AGS</u>	Harper v. US et al	Plaintiff appears to make miscellaneous statements regarding the United States and a man named Bobby
<u>3:17-cv-01973-GPC-WVG</u>	Harper et al v. US et al	Plaintiff appears to make miscellaneous statements regarding a company named PeopleSmart
<u>3:17-cv-01977-GPC-BGS</u>	Harper et al v. United States of America et al	Plaintiff appears to make miscellaneous statements regarding President Obama

II. VEXATIOUS LITIGANT DETERMINATION

As a means of stemming abusive litigation, the Court may issue an order requiring a litigant to seek permission from the Court prior to filing any future suits. *Johns v. Town of Los Gatos*, 834 F. Supp. 1230, 1232 (N.D. Cal. 1993) “The All Writs Act, 28 U.S.C. § 1651(a), provides district courts with the inherent power to enter pre-filing orders against vexatious litigants. However, such pre-filing orders are an extreme remedy that should rarely be used.” *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007) (internal citations omitted). However, “[f]lagrant abuse of the judicial process cannot be

1 tolerated because it enables one person to preempt the use of judicial time that properly
2 could be used to consider the meritorious claims of other litigants.” *De Long v.*
3 *Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990).

4 A pre-filing review order is appropriate if (1) the plaintiff is given adequate notice
5 and an opportunity to oppose the order; (2) the Court compiles an adequate record for
6 review; (3) the Court makes substantive findings as to the frivolous or harassing nature of
7 the litigant's actions; and (4) the order is narrowly tailored “to closely fit the specific vice
8 encountered.” *De Long v. Hennessey*, 912 F.2d at 1145–48; *see also Johns v. Town of*
9 *Los Gatos*, 834 F. Supp. 1230, 1232 (N.D. Cal. 1993) (applying *De Long*).

10 **A. Notice**

11 The Court takes this opportunity to provide notice to Plaintiffs Montorey Danyell
12 Harper and Montorey LLC that, for the reasons described below, it intends to deem
13 Plaintiffs vexatious litigants and impose a pre-filing review order. Plaintiffs are ordered
14 to file, in Case No. 3:17-cv-01965-GPC-NLS, a brief to show cause as to why the Court
15 should not declare the plaintiffs as “vexatious litigants” by **November 20, 2017**. *See De*
16 *Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990) (requiring district court to
17 provide plaintiff with an opportunity to oppose the entry of order deeming plaintiff a
18 vexatious litigant).

19 **B. Adequate Record**

20 “An adequate record for review should include a listing of all the cases and
21 motions that led the district court to conclude that a vexatious litigant order was needed.”
22 *Id.* (quoting *De Long*, 912 F.2d at 1147). *Missud v. Nevada*, 861 F. Supp. 2d 1044, 1055
23 (N.D. Cal. 2012), *aff'd*, 520 F. App'x 534 (9th Cir. 2013). An adequate record exists to
24 support a vexatious litigant finding because Plaintiff Montorey Danyell Harper and in
25
26
27
28

1 many of the cases Montorey LLC³ have filed—not including the seventeen complaints at
 2 issue in Section I above—at least thirty-three other frivolous filings in the Southern
 3 District of California.⁴ These cases and the dispositions in those cases are listed in the
 4 chart below:

Case Number	Name of Case	Date Filed	Date Closed	Disposition
<u>3:17-cv-01049-MMA-JMA</u>	Harper v. Office of Child Support Enforcement et al	5/24/17	5/26/2017	Dismissal for Failure to Pay Filing Fee
<u>3:17-cv-01585-WQH-MDD</u>	Harper et al v. US et al	8/8/2017	8/30/2017	IFP Dismissal
<u>3:17-cv-01633-DMS-MDD</u>	Harper v. City of San Diego et al	8/14/2017	8/28/2017	IFP Dismissal
<u>3:17-cv-01053-WQH-BGS</u>	Harper et al v. Extended Stay America et al	5/24/2017	8/28/2017	IFP Dismissal
<u>3:17-cv-01068-BAS-WVG</u>	Harper et al v. Telemarketing Concepts et al	5/24/2017	5/25/2017	IFP Denied; Leave to Pay Filing Fee
<u>3:17-cv-01069-CAB-AGS</u>	Harper et al v. Choice Hotels et al	5/23/2017	8/14/2017	Dismissal for Failure to Pay Filing Fee
<u>3:17-cv-01070-GPC-MDD</u>	Harper v. Montorey LLC et al	5/23/2017	6/12/2017	IFP Dismissal
<u>3:17-cv-01636-MMA-MDD</u>	Montorey LLC et al v. United States et al	8/14/2017	9/28/2017	IFP Denied; Leave to Pay Filing Fee

21
 22
 23 ³ The following cases appear to have been filed on solely on behalf of Plaintiff Montorey Danyell Harper and not Montorey LLC: 17-cv-1586, 17-cv-1587, 16-cv-1122, 16-cv-1123, 16-cv-1199, 16-cv-1200, 16-cv-1201, 16-cv-1202, 17-cv-1821

24 ⁴ Plaintiff Montorey Harper appears to have filed thirty cases in the Eastern District of North Carolina which were similarly dismissed as frivolous. *See Harper v. United States Department of Justice*, 2017 WL 1319789 (E.D.N.C. Apr. 10, 2017). A Court in the Northern District of Florida in June 2017 found that Montorey Harper was a “prolific litigant who has filed at least 61 complaints across the country since 2015, the vast majority of which appear to have been dismissed as frivolous.” *Harper v. United States*, 2017 WL 2952291, at *2 (N.D. Fla. June 8, 2017) (recommending dismissal for improper venue and stating that Harper’s conduct which “show[ed] little in the way of legal preparation and consideration” suggested a pre-filing injunction could be warranted).

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

<u>3:17-cv-01817-WQH-JMA</u>	Harper et al v. US et al	9/7/2017		IFP Denied; Leave to Pay Filing Fee
<u>3:17-cv-01586-WQH-KSC</u>	Harper v. US et al	8/8/2017	8/15/2017	IFP Dismissal
<u>3:17-cv-01587-GPC-MDD</u>	Harper v. US et al	8/8/2017	8/10/2017	IFP Dismissal
<u>3:16-cv-00763-AJB-BLM</u>	Harper et al v. San Diego City Administration Building	3/31/2016	6/10/2016	IFP Dismissal
<u>3:16-cv-00765-BTM-JLB</u>	Harper et al v. San Diego City Administration Building et al	3/31/2016	4/6/2016	IFP Dismissal
<u>3:16-cv-00766-AJB-BLM</u>	Harper et al v. San Diego City Administration Building et al	3/31/2016	6/10/2016	IFP Dismissal
<u>3:16-cv-00768-AJB-BLM</u>	Harper et al v. San Diego City Administration Building et al	3/31/2016	6/10/2016	IFP Dismissal
<u>3:16-cv-00769-AJB-BLM</u>	Harper et al v. San Diego City Administration Building et al	3/31/2016	6/10/2016	IFP Dismissal
<u>3:16-cv-00834-LAB-WVG</u>	Harper et al v. San Diego, City of et al	4/7/2016	4/12/2016	IFP Dismissal
<u>3:16-cv-00992-GPC-BGS</u>	Harper et al v. San Diego, City of et al	4/25/2016	6/7/2016	IFP Dismissal
<u>3:16-cv-01122-JAH-KSC</u>	Harper v. US DOJ	5/11/2016	5/19/2016	IFP Dismissal
<u>3:16-cv-01123-LAB-NLS</u>	Harper v. US DOJ	5/11/2016	5/16/2016	IFP Dismissal
<u>3:16-cv-01124-AJB-JLB</u>	Harper v. US DOJ	05/11/16	6/10/2016	IFP Dismissal
<u>3:16-cv-01199-WQH-BLM</u>	Harper v. US DOJ et al	5/19/2016	5/27/2016	IFP Dismissal
<u>3:16-cv-01200-MMA-NLS</u>	Harper v. US DOJ et al	5/19/2016	5/20/2016	IFP Dismissal

1	<u>3:16-cv-01201-AJB-BLM</u>	Harper v. US DOJ	5/19/2016	6/24/2016	IFP Dismissal
2	<u>3:16-cv-01202-AJB-BLM</u>	Harper v. US DOJ	5/19/2016	6/10/2016	IFP Dismissal
3					
4	<u>3:17-cv-01634-BTM-BLM</u>	Harper et al v. US DOJ	8/14/2017		Plaintiff failed to file First Amended Complaint by Court assigned deadline
5					
6	<u>3:17-cv-01821-AJB-BLM</u>	Harper v. Psychologist San Diego Police et al	9/8/2017	9/12/2017	IFP Dismissal
7	<u>3:17-cv-01974-BAS-MDD</u>	Harper v. US et al	9/27/2017	10/3/2017	IFP Dismissal
8	<u>3:17-cv-01975-BAS-WVG</u>	Harper et al v. United States et al	9/27/2017	10/3/2017	IFP Dismissal
9					
10	<u>3:17-cv-01979-JAH-BGS</u>	Harper et al v. US et al	9/27/2017	10/4/2017	IFP Dismissal
11	<u>3:17-cv-01980-BAS-BGS</u>	Harper v. US et al	9/27/2017	10/3/2017	IFP Dismissal
12					
13	<u>3:17-cv-01982-GPC-BLM</u>	Harper v. US et al	9/27/2017	9/28/2017	IFP Dismissal
14	<u>3:17-cv-01987-BAS-NLS</u>	Harper v. US et al	9/27/2017	10/3/2017	IFP Dismissal

15
16 Accordingly, an adequate record exists to support a vexatious litigant finding. *See*
17 *Calhoun v. San Diego Cty.*, No. 12CV2596 AJB JMA, 2012 WL 5878666, at *3 (S.D.
18 Cal. Nov. 21, 2012) (twenty-six frivolous cases constituted adequate record).

19 **C. Substantive Findings as to the Frivolous Nature of Plaintiff’s Actions**

20 Under the third prong, the Court must “look at both the number and content of the
21 filings as indicia of the frivolousness of the litigant's claims.” *Molski*, 500 F.3d at 1059
22 (citations and quotation marks omitted). “An injunction cannot issue merely upon a
23 showing of litigiousness. The plaintiff’s claims must not only be numerous, but also be
24 patently without merit.” *Id.* (citations and quotation marks omitted). The Court finds that
25 there is more than a sufficient basis to conclude that Plaintiffs’ filings have been both
26 numerous and patently without merit.

1 Plaintiff Montorey Harper⁵ has filed fifty complaints in this district since 2016.
2 Almost all of these complaints have been dismissed under the Court’s power to sua
3 sponte review and dismiss frivolous claims or claims that failed to state a claim on which
4 relief may be granted under 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). In a few cases, the district
5 court denied in forma pauperis status and proceeded to close the case after Plaintiffs
6 failed to pay the filing fee.⁶ No case filed by Plaintiffs appears to have ever proceeded
7 beyond the complaint.

8 A sampling of the plaintiffs’ various complaints show that they have been
9 consistently patently frivolous or failed to state a claim on which relief may be granted.
10 *See, e.g.*, Case No. 17-cv-1987, Dkt. No. 1 (“Spiritual assault are so bad that it is moving
11 the hotel ect, lawsuit will be filed, you did this in 2015 and 2016.”); Case No. 17-cv-
12 1982, Dkt. No. 1 (“This is the US and San Diego saying something about Leader Loyal a
13 Captain on board a Leader Vessel MLLC technology a Leader Vessel now the star trek
14 crew will be sued.”). The frivolous nature of these claims is also seen in the cases that
15 the Court sua sponte dismisses in Section I. *See, e.g.*, Case No. 17-cv-1981, Dkt. No. 1
16 (“Got a hold” says that it was in that manner as well and Microsoft was assaulted
17 whether or not Bill Gates was complicit.”); Case No. 17-cv-1966, Dkt. No. 1 (“The
18 Plaintiff has complained since 2014 about spiritual intrusions and the use of drugs to do
19 this.”). Accordingly, the Court finds that the frivolous nature of these complaints
20 supports a vexatious litigant finding. *See Hurt v. All Sweepstakes Contests*, No. C-12-
21 4187 EMC, 2013 WL 144047, at *1, 6 (N.D. Cal. Jan. 11, 2013) (finding plaintiff was a
22 vexatious litigant where plaintiff had filed a significant number of frivolous lawsuits that
23 were “often vague, confusing, or unintelligible”).
24
25

26 ⁵ In many of the cases, he was joined by Plaintiff Montorey LLC.

27 ⁶ Two cases remain open. In Case No. 17-cv-1817, Plaintiff has been directed to pay the filing fee or
28 submit a more complete motion to proceed in forma pauperis. In Case No. 17-cv-1634, the Court
granted Plaintiff leave to file a First Amended Complaint, but failed to do so within the thirty-day period
court ordered deadline.

1 **D. Narrowly Tailored Order**

2 The Court is mindful that “narrowly tailored” pre-filing review orders are needed to
3 “prevent infringement on the litigator’s right of access to the courts.” *De Long*, 912 F.2d
4 at 1148. However, a general history of litigious filing may support a broad pre-filing
5 injunction. *See Hurt*, 2013 WL 144047, at *7 (“the court has approved broad pre-filing
6 orders against vexatious litigants who have a history of filing a wide variety of frivolous
7 actions”). The Ninth Circuit has approved broad pre-filing orders post *DeLong*. *See Aref*
8 *v. Marder*, 15 F.3d 1082 (9th Cir. 1994) (memorandum) (upholding broad pre-filing review
9 order preventing vexatious litigant from filing in the Central District of California without
10 obtaining leave of court”). *See also Franklin v. Murphy*, 745 F.2d 1221, 1231 (9th Cir.
11 1984) (pre-filing reviews are an extraordinary sanction but are warranted where vexatious
12 litigants’ filings have been “equally as extraordinary”). In *Hurt*, the Court found that “the
13 wide range of frivolous actions Plaintiff has filed in this district makes it difficult to tailor
14 a pre-filing order to a specific group of defendants or type of legal claim. Plaintiff’s history
15 of vexatious litigation has been broad, and thus a responsive pre-filing order must be
16 similarly broad.” *Id.* at *8.

17 Here, the type of frivolous actions has been similarly broad and makes a tailored
18 pre-filing order difficult. Plaintiffs’ frivolous claims are not confined to a single set of
19 defendants, nor a single topic area. Accordingly, the Court finds that a broad pre-filing
20 review order, as described below, would be most appropriate for all future lawsuits
21 initiated by Plaintiffs Montorey Danyell Harper or Montorey LLC in this district. *See*
22 *Hurt*, 2013 WL 144047, at *8 (“Given the variety of meritless suits Plaintiff has brought,
23 this Court finds it appropriate to subject all future lawsuits initiated by Plaintiff in this
24 district to pre-filing review.”).

25 //

26 //

27 //

28 //

CONCLUSION

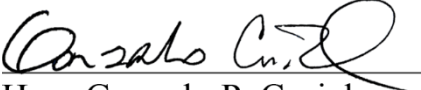
For the foregoing reasons, the Court will:

1. **DISMISS** Case Nos. 3:17-cv-01965-GPC-NLS, 3:17-cv-01966-GPC-NLS, 3:17-cv-01968-GPC-NLS, 3:17-cv-01969-GPC-NLS , 3:17-cv-01970-GPC-NLS, 3:17-cv-01971-GPC-NLS, 3:17-cv-01972-GPC-NLS , 3:17-cv-01976-GPC-NLS, 3:17-cv-01978-GPC-NLS, 3:17-cv-01981-GPC-NLS, 3:17-cv-01983-GPC-NLS, 3:17-cv-01984-GPC-NLS, 3:17-cv-01985-GPC-NLS, 3:17-cv-01986-GPC-NLS, 3:17-cv-01967-GPC-AGS, 3:17-cv-01973-GPC-WVG, 3:17-cv-01977-GPC-BGS
2. **DENY** as Moot motions to proceed in forma pauperis in Case Nos. 3:17-cv-01965-GPC-NLS,3:17-cv-01966-GPC-NLS, 3:17-cv-01968-GPC-NLS, 3:17-cv-01969-GPC-NLS , 3:17-cv-01970-GPC-NLS, 3:17-cv-01971-GPC-NLS, 3:17-cv-01972-GPC-NLS , 3:17-cv-01976-GPC-NLS, 3:17-cv-01978-GPC-NLS, 3:17-cv-01981-GPC-NLS, 3:17-cv-01983-GPC-NLS, 3:17-cv-01984-GPC-NLS, 3:17-cv-01985-GPC-NLS, 3:17-cv-01986-GPC-NLS, 3:17-cv-01967-GPC-AGS, 3:17-cv-01973-GPC-WVG, 3:17-cv-01977-GPC-BGS
3. **DIRECT** Plaintiffs to file a brief, in Case No. 3:17-cv-01965-GPC-NLS, showing cause as to why they are not “vexatious litigants” by **November 20, 2017**
4. If Plaintiffs fails to respond by the above deadline, the Court will enter an Order to:
 - a. **DECLARE** that Plaintiffs are “vexatious litigants” and require that pre-filing screening apply as to Plaintiffs Montorey Harper and Montorey LLC.
 - b. **ORDER** that the Clerk of this Court may not file or accept any further complaints filed by or on behalf of Plaintiffs Montorey Harper or Montorey LLC. If Plaintiffs wish to file a complaint, they shall

1 provide a copy of any such complaint, a letter requesting that the
2 complaint be filed, and a copy of this Order to the Clerk of this Court.
3 The Clerk shall then forward the complaint, letter, and copy of this
4 Order to a reviewing Judge for a determination of whether the
5 complaint should be accepted for filing. Any violation of this Order
6 will expose Plaintiffs to a contempt hearing and appropriate sanctions,
7 and any action filed in violation of this Order will be subject to
8 dismissal. If the Court does not grant permission to file the document,
9 in writing, within 30 days of the date of the letter, permission will be
10 deemed denied.

11
12 **IT IS SO ORDERED.**

13 Dated: October 30, 2017

14 
15 Hon. Gonzalo P. Curiel
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28