

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02232-BNB

YOUNG YIL JO, et al.,

Plaintiffs,

v.

SIX UNKNOWN NAMES AGENTS, or  
MR. PRESIDENT OF THE UNITED STATES BARACK OBAMA,

Defendants.

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ORDER DISMISSING CASE

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Plaintiff Young Yil Jo is in the custody of the ICE Processing Center in Gadsden, Alabama. Plaintiff initiated this action on behalf of other prisoners, as he has done in other actions in this Court, by filing a civil rights action under 42 U.S.C.

§ 1983 that is not on a Court-approved form. Plaintiff Jo also has failed to submit the \$400 filing fee or in the alternative submit a request to proceed pursuant to 28 U.S.C. § 1915. This is the twelfth time that Plaintiff has initiated an action by filing the same pleading in this Court.

Previously, in *Jo v. Six Unknown Names Agents, et al.*, No. 14-cv-00700-LTB ECF No. 15 (D. Colo. Apr. 22, 2014), the Court imposed filing restrictions against Jo based on his abusive litigation in this Court and various other federal courts. The filing restrictions require Jo to submit his claims on a Court-approved form and either to pay

the \$400 filing fee or in the alternative submit a § 1915 request on also on a proper Court-approved form. The restrictions further state that if Jo fails to comply the nonconforming pleading will be stricken and he will be assessed a \$400 monetary sanction.

The Court acknowledges that Plaintiff has filed a notice of appeal in Case No. 14-cv-00700-LTB. *See Jo v. Six Unknown Named Agents, et al.*, No. 14-1264 (10th Cir. Filed July 7, 2014). The appeal, however, is nondescript, fails to identify the Court action appealed, and is repetitive of the many other appeals Plaintiff has filed. By filing the repetitive pleading in this action, Plaintiff has intentionally ignored the Court's filing restriction imposed against him and disregarded once again the proper procedure to proceed with an action in this Court. His overt abuse of the judicial system must stop. The Court, therefore, pursuant to the filing restrictions imposed in Case No. 14-cv-00700-LTB, will direct the Clerk of the Court to strike the pleading filed in this case and close the action. Furthermore, Jo will be directed to pay a monetary sanction of \$400 in this case.

Jo is warned that in the future the Court may impose additional sanctions.

The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order is not taken in good faith, and, therefore, *in forma pauperis* status will be denied for the purpose of appeal. *See Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff files a notice of appeal he must pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24.

Accordingly, it is

ORDERED that pursuant to 28 U.S.C. § 1915(f)(2)(A) Plaintiff shall pay to the Clerk of the Court a monetary sanction of \$400 to cover the cost and expenses of this action. It is

FURTHER ORDERED that if Plaintiff lacks funds to pay the \$400 sanction at this time, he will be allowed to make installment payments based on the formula articulated in 28 U.S.C. § 1915(b)(2). It is

FURTHER ORDERED that, under the installment plan, Plaintiff is required to make monthly payments of twenty percent of the preceding month's income credited to his prison trust fund account until the \$400 sanction is paid in full. It is

FURTHER ORDERED that as funds accumulate in Plaintiff's prison account from any source or income, the appropriate prison officials at the prison having custody of Plaintiff will be ordered to withdraw the monthly payment from his prison account and forward it to the Clerk of this Court with the appropriate case number noted each time the account exceeds \$10 until the \$400 sanction is paid. It is

FURTHER ORDERED that the Clerk of the Court is directed to provide a copy of this Order to the Business Office, Att: Inmate Accounts, at the Alabama-Etowah County Detention Center/ICE Processing Center, 827 Forrest Avenue, Gadsden, AL 35901. It is

FURTHER ORDERED that the Alabama-Etowah County Detention Center/ICE Processing Center is directed to inform the Court when and if Plaintiff is transferred to another prison facility and provide a forwarding address. It is

FURTHER ORDERED that the Clerk of the Court is directed to strike ECF No. 1 and close the action because Plaintiff has failed to comply with the sanction order

entered in *Jo v. Six Unknown Names Agents, et al.*, No. 14-cv-00700-LTB ECF No. 15 (D. Colo. Apr. 22, 2014). It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 13<sup>th</sup> day of August, 2014.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, Senior Judge  
United States District Court