

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAPHYRE REDFORD; DANIELLE BITTON;

Plaintiffs

-against-

OPINION AND ORDER
10-CV-434 (CBA)(LB)

CHICAGO TITLE INSURANCE; FIDELITY
INSURANCE; MOHR; NORTH MOORE
CONDOMINIUM OP.; DR. BERAKA AND SON;
VANGUARD; COUNTRYWIDE HOME
MORTGAGES; ATALANTA BUILDING;
TRIBECA TOWERS; ALLSTATE SIGNATURE
BANK; MOUNT BATTEN; DAVID N. MURAD;
COTTON AND WOOD; MATTHEW
ABOULAFIA; BETNICK LIVINGTON,
ATKINSON ET AL. LLP; ERIC AND CARLIN
ROTHSTEIN; WALTER B. TOLUB; PATRICK
LEUNG CONSULTING; LEON RUCHELSMAN;
“IRA” THE CLERK; NORTH MOORE PARKING
CORPORATION; OLSHAM GRUNDMAN,
FROME, ROSENZWEIG & WOLOSKY LLP;
THOMAS J. FLEMING, ESQ.; GALLAGHER
CONSTRUCTION; GALLAGHER BASSET;
STANLEY STAIRS; MARVIN TURKEL; MARIA
GORDIAN; TRIBECA TRIBE NETWORK;
ROSEN AND LIVINGSTON; DEA; FBI; DUANE
READE PHARMACEUTICALS STORES;
JULIAN BARNES LAW GROUP; BLUE
CROSS/BLUE SHIELD; JP MORGAN CHASE;
ROBERT DE NERO, DRU WITACKE; METRO
TECH FIRE DEPARTMENT; GRAHAM
CONSULTING CORPORATION; GRAHAM
ASSOCIATES; JOAN XIE; JOHN XIE ET AL
ESQUIRES; MICHAEL RUBLOWSKY;
MISHKIN & TULLY LLP; JASON DANIELS;
SAPHYRE ADULT ENTERTAINMENT
GENTLEMAN’S CLUB; SCORES
ENTERTAINMENT; NORTH MOORE LAND
CO. INC.; NORTH MOORE TOWER REALTY
CORP.; NORTH MOORE VENTURES; NORTH
MOORE ENTERPRISES, LTD.; HUSTLER’S
GENTLEMEN’S CLUB; MCKINSEY AND

COMPANY; HOULIHAN-PARNES,
GOLDBERG, WEPRIN & USTIN, ESQS.;
DEBRA DANIELS; ELIOTT SUTTON; SOHO
EQUITIES; SOHO HOUSE; SID MILLER;
BRONX SUPPLY STORE; RAPPAPORT,
FEINSTEIN, AND DEUTSCH; DARNAY
HOFFMAN; MADAME X; ARGO
CONSTRUCTION; MARTY MARKOWITZ;
SHELDON SILBER, "HEAVEN GROUP;
AARON ANDERSON; HILLARY RODHAM-
CLINTON; CHARLES RANGEL; SPEARMINT'S
GENTLEMAN'S STRIP CLUB; FRANK
COMPOSTO; MICHAEL BERMAN'S
CONSTRUCTION COMPANY; HIPPA' PORT
AUTHORITY OF NEW YORK/NEW JERSEY;
NYPD; ANDREW M. CUOMO, STATE
ATTORNEY GENERAL FOR THE STATE OF
NEW YORK; MUNICIPALITIES UNIONS;
TEACHER'S FEDERATION UNION; DOUGLAS
GRAHAM GRANT, "DANIELLE BITTON";
D'AGOSTINO; MARTIN SHAW AND OLSON;
MAURICE REICHSMAN; UAL CORPORATION;
NEW YORK STATE MENTAL HEALTH
DEPARTMENT; NEW YORK STATE
GUARDIAN; KARLA ALEXANDER; WILMER
GRIER, 275 GREENWICH STREET
CONDOMINIUM BOARD; TURNBERRY ISLE
ASSOCIATION; BAY HARBOR
INTERNATIONAL REALTY CENTURY 21;
JAMES RUMPZA; TURNBERRY
INTERNATIONAL REALTY; WORLD
SAVINGS; M.G. TITLE SERVICES, INC., RG
BRENNER TAX SERVICES PREPARER; H & R
BLOCK; ADRIENNE MAIDENBAUM;
MAIDENBAUM, FEINBERG, ESQUIRES;
FEDERAL SAVINGS BANK; BAY HARBOR
INTERNATIONAL REALTY; STEVE "PIMP;
MR. AND MRS. FREITGERTIG.; LINDSAY
FREITGERTIG; CAPITAL MANAGEMENT
TRUST; 9/11 TRUST FUND; FEMA;
DEPARTMENT OF ENVIRONMENT;
DEPARTMENT OF TRANSPORTATION; EAP;
KEVIN MCKIRGAN; HILLARY RODHAM

CLINTON; CHARLES HARRIS; ELIZABETH HARRIS; CASE MANAGEMENT OF THE STATE OF NEW YORK UNIFIED COURT SYSTEM SUPREME COURT; SEAN SERPE; MATTHEW MANSFIELD; MARC SEITLEMENT; JAMES FERRARA; ROBERT SEGAL; HUD; NEW YORK HOUSING DEPARTMENT; HEALTH HOSPITALS CORPORATION; STATE SECRETARY OF CORPORATIONS FOR THE STATE OF NEW YORK; STATE SECRETARY OF CORPORATION FOR THE STATE OF DELAWARE; SEC; UNITED AIRLINES; EUGEN KEILIN; FELIX NGATI; FELIX ROHATYN; MARIO CUOMO; MINICIPAL ASSISTANCE CORPORATION; RAY KELLY, POLICE COMMISSIONER OF NYPD; HERBERT BERMAN; CITY COUNCIL FINANCE FOR THE CITY OF NEW YORK; NEW YORK STATE HEALTH AND HOSPITAL CORPORATION; MEDICAID; MEDICARE; ALLSTATE; STATE FARM INSURANCE; TRAVELER'S INSURANCE; AETNA; HEALTH AND HOSPITALS WORKERS UNION; DOUGLAS ELLIMAN PRUDENTIAL REAL ESTATE REALTY; BITTON REALTY; MADISON ABSTRACT; SEYFARTH AND SHAW; JOHN PEACHY; ELIEZAR COHEN; MICHAEL BLOOMBERG; HIZONER; CB BOARD ONE, DAN FELDMAN; ANTHONY D. GRANDE; JAMES MULLEN; BOGLIONO TRUST FUND; EINHOLTZ, ESQUIRE; AFA; AFL-CIO; MARCH CHAPMAN, ZARANSKY, ESQUIRES; CIRCLE ROUGE RESTAURANT; BUBBY'S RESTAURANT; "RON" OWNER OF BUBBY'S RESTAURANT; TRIBECA TAVERN; TRIBECA PHARMACY; NORTH FORK BANK; DAVID GLASER; STEVEN LEBOUF; DANKBERG; MS. MICHAEL BERMAN; STEVEN J. HUGHES; NEW YORK STATE DEPARTMENT OF TAXATION; LUBAVITCH JEWISH ORGANIZATION; NEW YORK SANITATION DEPARTMENT; DEPARTMENT OF

BUILDINGS; KAREN SMITH; LIQUOR
LICENSE BOARD; MR. WHITE; MR.
MOHAMMED NAJEM; "MIGNON"; KINKOS;
ALOFT CONSTRUCTION; NORMAN
TINGLING; LELAND D. GRASSE;
DEPARTMENT OF SOCIAL SERVICES;
WORKER'S COMPENSATION BOARD;
MIRAMAX; WEINSTEIN BROTHERS; DR. IRA
FEINGOLD; VERIZON; AT&T, COMPTROLLER
OF NEW YORK CITY; ARCO CONSTRUCTION;
GEROGE TSERKIS; DR. G. DEGERONIMO; DR.
X who operated to remove Charlene's Implants and
Sadistically Left her scared and was in coohoot on
how to destroy her; STEVEN ECKERBERG;
TRUDY GERMAN CARMEN; CHIN YU; SIMON
TAN; EAST BANK; APPLE BANK;
MERCHANT'S BANK; HSBC OPERATIONS IN
AMERICA AND EUROPE; BANK OF ISRAEL;
NATIONAL CITY BANK; JEFFREY LEE
HUBBARD; PURVI HARENDRA SEVAK;
DANIEL HOELTER; CONTINENTAL
ABSTRACT CORPORATION; GREENPOINT
MORTGAGE FUNDING, INC.; NEW YORK
STATE HIGHER EDUCATION CORPORATION
SERVICES; DEPARTMENT OF EDUCATION;
FINANCIAL AID SERVICES; MERS; LIBERTY
TITLE AGENCY; DLA PIPER RUDNICK GRAY
CARY US LLP; THE COMPTROLLER OF THE
STATE OF NEW YORK; NEW YORK LIFE
INSURANCE COMPANY; THE COMPTROLLER
OF THE STATE OF NEW YORK AS TRUSTEE
OF THE COMMON RETIREMENT FUND;
MARJORIE TSANG; ASSISTANT
COMPTROLLER FOR REAL ESTATE
INVESTMENTS;
TISHMAN SPIER GROUP; BLACK ROCK
GROUP; TEITELBAUM GROUP
MANUFACTURERS HANOVER TRUST
COMPANY; ARCHIVES COMMERCIAL
PARTNERSHIP; ARCHIVES TENANTS
CORPORATION; ARCHIVES RESIDENTIAL
PARTNERSHIP; NEW YORK COUNTY
COMMISSIONER OF DEEDS; NEW YORK

STATE KEEPER OF THE FILES
ACCOUNTABILITY; JP MORGAN CHASE;
MERIL LYNCH; AETNA LIFE CASUALTY AND
SURETY COMPANY OF ILLINOIS; AETNA
LIFE INSURANCE COMPANY; NEW YORK
TEACHERS'S PENSION FUND RETIREMENT;
FIRST RESPONDERS MORTGAGE; RICHARD
A, BRANCATO; ARCHIVES LLC; SENATOR
BARNEY FRANK; SENATOR KERRY; UCC
DIRECT SERVICES; ARCHIVES
COMMERCIAL PARTNERSHIP; ROCKROSE
DEVELOPMENT CORPORATION; KRAMER
LEVIN NAFTALIS & FRANKEL LLP; MICHAEL
FALABELLA; REAL ESTATE VICE
PRESIDENT FOR NEW YORK LIFE
INSURANCE COMPANY; "JOSEPH"; STATE
STREET BANK OF BOSTON;
MASSACHUSETTS
JORDAN WILLS; JOE TURCO; SPAR AND
BERNSTEIN; CAREN MATYCKAS;
ROCKROSE PROPERTIES L.L.C.; ROCKROSE
GENERAL EQUITIES LLC; ROCKROSE
DEVELOPMENT CORPORATION; ROCKROSE
MASTER LLC; THE COMPTROLLER OF THE
STATE OF NEW YORK, AS TRUSTEE OF THE
COMMON RETIREMENT FUND; FDA;
NATIONAL HEALTH INSURANCE(UNITED
KINGDOM); UNITED KINGDOM PENSION
FUND; SOCIAL SECURITY FOR THE UNITED
STATES OF AMERICA;
BOND PLUMBING; NATIONWIDE TITLE
CLEARING; WOUTER GERMANS; TRUDY
CRANEY; CHEMICAL BANK SUCCESSOR BY
MERGER TO THE CHASE MANHANTTAN
BANK (NATIONAL ASSOCIATION); BANCO
POPULAIRE;
BANK OF BRAZIL; SUSAN STRAATMANN;
VICE PRESIDENT; VINTAGE ABSTRACT
CORPORATION; DAVID J. KOEHL; WELLS
FARGO BANK NA; WASHINGTON MUTUAL
BANK; BANK OF CALIFORNIA; UNITED
AIRLINES CREDIT UNION;
MUNICIPAL CREDIT UNION; CHASE HOME

FINANCE LLC; MICHAEL LIPPERT;
DEANDREA CHAPMAN; VICE PRESIDENT JP
MORGAN CHASE BANK; FEMA OF KATRINA
OF LOUISIANA; "KATRINA OF LOUISIANA OF
NYC Taking place at the building that has never
been officiated by the state attorney of New York
for zoning, abandoned building that everyone came
to attack and hurt Charlene, Crytal and Danielle,
and where Danielle miscarried an innocent child
due to toxic dirty sewer from someone breaking he
pipe to cash a s*** ton of insurance monies from
flipped mortgages that found it way to Hillary
Rodham Clinton et al Shady Real Estate partners;
IREAELI CONSTRUCTION GROUP OF
GANGSTERS , who forge signatures, money
launders, and force young girls into prostitution, and
when they cry they beat the s*** out of them;
SHAW AND ASSOCIATES; PRECISE/CERES
ABSTRACT CORP.; PC22678, AS AGENT FOR
FIDELITY NATIONAL TITLE INSURANCE;
KEITH HALPERIN, ESQUIRE; PAUL
DONOVAN; SHAWN DONOVAN; ENVY
PUBLICATIONS; A CERTAIN PHOTOCOPYING
MACHINE worth one million dollars from
Farmingham, Massachusetts, that came from a fake
rubbish UUC that belongs one of many to Maria
Gordian, expert of prescriptions and who has the
license to kill innocent unborn; RALUCA V.
ONCIOIU LEVY AND HALPERIN, LLP; STATE
OF NEW YORK STATE BOARD OF REAL
PROPERTY SERVICES; "BABY DOE";
VALERIE MARSH; ED BERIAN; WILMER HILL
GRIER; FDIC; UNITED STATES TREASURY
DEPARTMENT; BERNANKE; ; FDCA;
DEUTSCH BANK; BANK OF BERMUDA;
CAYMAN ISLANDS BANK; STATE OF
CALIFORNIA; STATE OF MASSACHUSETTS;
FEC; NEW HAMPSHIRE INSURANCE; CHEVY
CHASE BANK; CAPITAL MANAGEMENT;
WASHINGTON DULLES INTERNATIONAL
AIRPORT; CHICAGO O'HARE
INTERNATIONAL AIRPORT; JFK/LGA/EWR
INTERNATIONAL AIRPORT;

BOSTON LOGAN INT'L AIRPORT; LOS
ANGELES INT'L AIRPORT; QUEENS
HEATHROW INTERNATIONAL AIRPORT;
DARLINGTON'S

Defendants.

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AMON, United States District Judge:

Plaintiffs, Danielle Bitton¹ and her mother, Saphyre Redford,² appearing *pro se*, bring this action against hundreds of defendants. Plaintiffs' requests to proceed *in forma pauperis* are granted pursuant to 28 U.S.C. § 1915 solely for the purpose of this Order. Plaintiffs' complaint is dismissed for the reasons stated below.

BACKGROUND

Plaintiff attempted to file a different version of this complaint on January 15, 2010 but it was returned to her because it lacked a filing fee or request to proceed *in forma pauperis* from each of the plaintiffs. On January 27, 2010, plaintiffs filed this complaint along with separate requests to proceed *in forma pauperis*.

This is plaintiff Danielle Bitton's third action in this court; all make indecipherable allegations. In her first action, Bitton v. State of New York et al., 08-CV-2831 (CBA) filed on June 26, 2009, plaintiff was given two separate opportunities to amend her complaint by Orders dated August 21, 2009 and September 23, 2009. In her amended complaint, submitted

¹Plaintiff alternatively spells her name as Biton and Bitton. In a previous action, she identified the difference as the British and American spellings of the same name.

²Plaintiff is also known as Crystal Bitton.

September 11, 2009, plaintiff added nearly fifty new defendants including *inter alia*, Secretary of State Hilary Clinton, the Republic of China, the Internal Revenue Service, and the Securities and Exchange Commission, but did not raise any allegations against either the old or the new defendants; the only lucid statement decipherable in the Complaint was that plaintiff wanted her “rights and property to be restored before the United States Government and the British Government. ” On October 13, 2009, plaintiff submitted a Second Amended Complaint in response to this Court’s September 23, 2009 Order. Plaintiff again failed to allege a basis for the exercise of this Court’s subject matter jurisdiction and the Court, despite a liberal interpretation of the Second Amended Complaint, could not discern any. The Court found the Second Amended Complaint irrational and therefore frivolous. Accordingly, by Order dated November 2, 2009, the action was dismissed for lack of subject matter jurisdiction, Fed. R. Civ. P. 12(h)(3), and because it was frivolous. 28 U.S.C. § 1915(e)(2)(B)(i)

Shortly thereafter, on November 20, 2009, plaintiff filed a second action. Biton v. Wilmer Hale Grier, 09-CV-5375 (CBA). Again, despite its best efforts, the Court could not ascertain the basis for her claim, and could discern only that she felt somehow wronged by the American and British judicial systems. By Order dated February 19, 2010, plaintiff’s action was dismissed as frivolous.

On December 23, 2009, plaintiff Redford filed an action against approximately thirty defendants. Redford v. Harris et al., 09-CV-5693 (RRM). That action remains pending.

On January 27, 2010, plaintiffs filed the instant action. Again, the Court is faced with a discursive and incomprehensible submission. The six-page statement of claim alleges a rambling assortment of events and problems, including, *inter alia*, that Bitton’s airplane was rerouted on

September 11, 2001, her “mother was arrested without having her rights read to her, she was butchered, and the Doctor inserted an electronic tracking device in her,” a drug cartel was being operated in a building in Tribeca, a phony real estate deal, mortgage foreclosures, falsification of city records, *e.g.* “property located at 275 Greenwich Street, Apartment 7C , New York, New York 10007, was frauded [sic] in order to steal from FEMA of 11 September 2001 for a false trust account that was created by attorneys . . . for false improvement,” and “prescriptions that were prescribed to kill were given.” Complaint at III.

DISCUSSION

Under 28 U.S.C. § 1915(e)(2)(B), a district court shall dismiss an in forma pauperis action where it is satisfied that the action is “(i) frivolous or malicious; (ii) fails to state a claim on which relief can be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” An action is “frivolous” when either: “(1) the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is based on an indisputably meritless legal theory.” Livingston v. Adirondack Beverage Co., 141 F.3d 434, 437 (2d Cir. 1998) (internal quotations omitted).

In Denton v. Hernandez, 504 U.S. 25 (1992), the Supreme Court noted that:

the in forma pauperis statute, unlike Rule 12(b)(6) [of the Federal Rules of Civil Procedure] “accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless.”

Denton, 504 U.S. at 32 (quoting Neitzke v. Williams, 490 U.S. 319, 327 (1989)). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the

irrational or the wholly incredible whether or not there are judicially noticeable facts available to contradict them.” Id., 504 U.S. at 33.


This court finds that the complaint is delusional and completely devoid of merit. There is nothing in the complaint that alleges a federal cause of action; instead, there are more than three hundred defendants, ranging from the FBI to Duane Reade pharmacy. The complaint asserts claims against government agencies, attorneys, buildings, the Secretary of State (twice), and others named in the caption with little or no connection to the body of the complaint. Moreover, despite the broadest possible interpretation of the complaint, the Court cannot discern any sense of what claim plaintiffs may be trying to assert. The court declines to afford plaintiffs leave to amend the complaint, as it is clear that any amendment would be futile. Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000); Gomez v. USAA Fed. Sav. Bank, 171 F.3d 794, 795 (2d Cir. 1999).

CONCLUSION

Accordingly, plaintiffs’ complaint filed *in forma pauperis* is dismissed as frivolous. 28 U.S.C. § 1915(e)(2)(B)(i). Furthermore, the Court must **warn** plaintiffs that it will not tolerate frivolous litigation. The Court may enter an Order barring the acceptance of any future *in forma pauperis* complaints for filing without first obtaining leave of the Court to do so. 28 U.S.C. § 1651; see e.g., In re Martin-Trigona, 9 F.3d 226, 227-29 (2d Cir. 1993) (discussing various sanctions courts may impose upon vexatious litigants); see also Iwachiw v. N.Y. State Dep’t of Motor Vehicles, 396 F.3d 525, 529 (2d Cir. 2005) (setting forth the “unequivocal rule in this circuit . . . that the district court may not impose a filing injunction on a litigant *sua sponte* without providing the litigant with notice and an opportunity to be heard.”). The Court certifies

pursuant to 28 U.S.C. § 1915 (a)(3) that any appeal from this Order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.


Carol Bagley Amon
United States District Judge

Dated: Brooklyn, New York
March, 5, 2010