

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 02 2009

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JONATHAN LEE RICHES,
Plaintiff.

vs.

THE GUINNESS BOOK OF WORLD
RECORDS, et al.,
Defendants.

MC-09-11-JLQ
NO. CV-09-00154-JLQ
ORDER DISMISSING ACTION

On May 19, 2009, the court received from the Plaintiff, a prisoner at the Federal Medical Center in Lexington, Kentucky, a document entitled "Preliminary Injunction, Temporary Restraining Order, TRO, Trademark Infringement, 28 USC 1331" (Ct. Rec. 1).

The claim is defective in many respects. The Plaintiff has not alleged jurisdiction beyond the cursory reference to 28 USC § 1331 in the caption, nor has the Plaintiff alleged a proper theory of venue justifying the bringing of this case in the Eastern District of Washington. In addition to these technical defects, a person such as Mr. Riches, who describes himself as a person who "flush[es] out more suits than a sewer," writes "legal masterpieces," and plans to "start a lawsuit 101 shop" (Ct. Rec. 1, 2) should know that the rambling nature of the hand-written Complaint cannot, in any form or fashion, be construed as stating a claim upon which relief can be granted. The Plaintiff alleges that the Defendant's under-representation of the actual number of lawsuits he has filed "hurt my feelings and violates [sic] my civil rights." *Id.* No court, regardless of its empathy, or

- 1 4. If Plaintiff seeks to file any further pro se actions in this district, he MUST
2 comply with the following procedures:
- 3 a. He must Submit a "Petition Seeking Leave to File Pro Se Action" with
4 the miscellaneous file number assigned him indicated in the caption.
- 5 b. An affidavit in proper legal form as directed below; and
- 6 c. A copy of the complaint or claims sought to be filed in this district.
- 7 d. A cashier's check or money order made payable to the Clerk of the
8 United States District Court for the E. D. Washington in the amount
9 of the then current civil action filing fee. The current fee is \$350.
- 10 5. The Petition Seeking Leave to File Pro Se Action must contain the following
11 information:
- 12 a. a statement advising the court whether any defendant to the lawsuit
13 was a party, or was in any way involved in any prior lawsuit filed by
14 Mr. Riches, and if so, in what capacity;
- 15 b. a list of all lawsuits to which Mr. Riches is or was a party; the name
16 and citation of each case; the status of the lawsuit; and the disposition;
- 17 c. a list of all federal and state cases in which a judgment was rendered
18 against Mr. Riches, if any; the name and citation of each case; and the
19 amount of the judgment;
- 20 d. a list of all federal and state cases in which a judgment was rendered
21 in favor of Mr. Riches, if any; the name and citation of each case; and
22 the amount of the judgment; and
- 23 e. a statement advising the court that Mr. Riches has exhausted all
24 available administrative remedies.
- 25
- 26
- 27 6. The Affidavit shall be in proper legal form and is to contain the following
28 recitals:

1 lack thereof, would find that the bruising of the Plaintiff's apparently fragile ego
2 constitutes a federally redressable grievance. A District Court must *sua sponte* dismiss a
3 Complaint that fails to state a claim upon which relief may be granted. *Omar v. Sea-*
4 *Land Service, Inc.*, 813 F.2d 986, 991 (9th Cir. 1987).

5 The case at hand appears to be just one more in a pattern of pleadings filed by this
6 Plaintiff in a distant jurisdiction for no apparent reason. It is another in an inexorably
7 long line of filings from the Plaintiff who alleges he spends "sleepless nights suing the
8 world." Ct. Rec. 1, 2.

9 This court previously cautioned Mr. Riches in a prior frivolous filings in this court
10 that further such filings could result in the court prohibiting his further filings.

11 Accordingly,

12 **IT IS HEREBY ORDERED:**

13 1. The Complaint (Ct. Rec. 1) and the claims therein are **DISMISSED** with
14 prejudice. The court recommends that the Plaintiff heed his own sage advice when he
15 writes that he is "thinking about retiring from writing lawsuits for awhile and [sic] give
16 my fingers rehabilitation." Ct. Rec. 1, 2.

17 2. The Plaintiff has ignored this court's prior admonishments set forth in *In Re*
18 *DeAtley*, 06-CV-0278 (Ct. Rec. 578) and *Riches v. Peanut Corporation of America*, 09-
19 CV-00041 (Ct. Rec. 2). **Except as herein provided, Plaintiff is hereby enjoined from**
20 **filing future actions or pleadings in this court without prior consent. Failure to**
21 **comply with this prohibition may result in civil and criminal penalties.**

22 3. The Clerk of the Court is directed to create and maintain a miscellaneous file,
23 assigned to the undersigned judge, with the general title "In the matter of Jonathan Lee
24 Riches." The miscellaneous file shall serve as the repository of this order and all
25 documents previously proffered for filing by Mr. Riches covered by the terms of this
26 order for which authority to file has not been granted.

- 1 a. "the claims presented have never been raised by me and disposed of
2 by any federal or state court; that to the best of my knowledge the
3 claim or claims are not frivolous or taken in bad faith;"
4 b. that "the claim or claims are well grounded in fact and warranted by
5 existing law or a good faith argument for the extension, modification,
6 or reversal of existing law;" and
7 c. "that the lawsuit is not interposed for any improper purpose, such as to
8 harass or to cause unnecessary delay or needless increase in the
9 amount and cost of litigation."

- 10 7. Upon receipt of the Petition, the court will review and either approve or
11 disapprove of the Petition by order. Failure to comply with the procedures
12 and principles mandated by this order shall be sufficient grounds for denying
13 the petition for leave to file and/ or for the imposition of sanctions. If the
14 court enters an order granting the Petition, the District Court executive shall
15 cause the complaint and materials to be filed as of the date of the Order.

16 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order, enter
17 judgment of dismissal, furnish copies to Mr. Riches, and forward copies to the other
18 Judges of this district, including Magistrate Judges, create a Miscellaneous File for Mr.
19 Riches, and close this case file.

20 **DATED** this 2nd day of June, 2009.

21 s/ Justin L. Ouackenbush
22 JUSTIN L. OUACKENBUSH
23 SENIOR UNITED STATES DISTRICT JUDGE
24
25
26
27
28