

[ENTERED JULY 26, 2017]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Richard Leland Neal, No. CV-16-08291-PCT-DLR
Plaintiff,

v.

B. Marc Neal, et al., ORDER
Defendants.

Plaintiff has filed a motion for default judgment. (Doc. 64) Plaintiff claims that default judgment is appropriate because Defendants have not answered his amended complaint. The motion is denied. Defendants timely responded to Plaintiff's amended complaint by filing a motion to dismiss. If the Court denies the motion to dismiss, Defendants will be required to answer Plaintiff's complaint. The Court reminds Plaintiff that, pursuant to the Court's June 30, 2017 order, he is not permitted to file additional motions without prior permission from the Court.

The Court has Defendants' motion to dismiss under advisement and intends to issue a ruling in due course. Recently, however, the docket has been flooded with a series of related motions, including Plaintiff's motion for leave to file a second amended complaint (Doc. 43), non-party Patricia Lewis' motion for oral argument

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(Doc. 61), and Defendants' motion for leave to file a surreply to the motion to intervene (Doc. 62). To prevent the docket from becoming more unruly than it already is, the Court is imposing a moratorium on further motions until those currently pending are resolved.

IT IS ORDERED that Plaintiff's motion for default judgment (Doc. 64) is **DENIED**.

IT IS FURTHER ORDERED that the parties may complete the briefing on motions that have already been filed, but until further order no party shall file any new motions without leave of Court.

Dated this 26 day of July, 2017.

/s/ Douglas L. Rayes

Douglas L. Rayes

United States District Judge

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[ENTERED DECEMBER 19, 2018]

FILED
DEC 19 2018
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Richard Leland Neal, No. 18-15612
Plaintiff, D.C. No. 3:16-cv-16-08291-DLR
v.

B. Marc Neal, et. al., MEMORANDUM*
Defendants.

Appeal from the United States District Court
for the District of Arizona
Douglas L. Rayes, District Judge, Presiding

Submitted December 17, 2018**

Before: WALLACE, SILVERMAN, AND McKEOWN,
Circuit judges.

Richard Leland Neal appeals pro se from the district court's judgment dismissing his action alleging violations of the Racketeer Influenced and Corrupt Organization Act ("RICO").

We have jurisdiction under 28 U.S.C. § 1291. We review from an abuse of discretion a district court's denial of a motion for default judgment. *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). We affirm.

The district court did not abuse its discretion in denying Neal's motion for default judgment because defendants served a timely responsive motion to the amended complaint. See Fed. R. Civ. P. 55(a) (authorizing entry of default when defendant "has failed to plead or otherwise defend").

We do not consider issues not raised in the opening brief. See *Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) ("We review only issues which are argued specifically and distinctly in a party's opening brief. We will not manufacture arguments for an appellant....." (Citations omitted)); *Acasta-Huerta v. Estelle*, 7 RF.3d 139, 144 (9th Cir. 1992) (issues not supported by arguments in pro se appellant's opening brief are waived).

AFFIRMED

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

[ENTERED JANUARY 16, 2019]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Richard Leland Neal; CASE NO. CV-18-15612
Plaintiff;

v.

B. Marc Neal; GOOD FAITH NOTICE
Richard Wayne Neal; AND FAIR WARNING
Michael Kenneth Neal;
Defendants.

1. Now comes Appellant, Richard Leland Neal an individual and the real party of interest, in peace, within time, with first hand knowledge, of legal age, of sound mind, and competent, in honor provides the 9th Circuit Court of appeals administrative hearing officers with a good faith notice and fair warning, that memorandum (Doc. 17) entered on 12/19/2018 is interfering with Plaintiff's commercial affairs as described in Appellant's briefs;

2. The Court's administrative hearing officers' memorandum is causing the injuries that are damaging the Plaintiff and may provide sufficient evidence to show a breach of Oath of Office and a violation of the Taft-Hartly Act (running a closed union shop) and the Smith Act (overthrowing the Constitutional form of Government);

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Respectfully submitted on, January 14, 2019; and

Affirmed by /s/ Richard Leland Neal
Richard Leland Neal
unrepresented litigant

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CERTIFICATE OF SERVICE

One original and three copies of Appellant's notice is hand delivered for the UPS first class delivery on, 01/14/2019 for:

OFFICE OF THE CLERK
9th Circuit Court of Appeals
James R. Browning Courthouse
95 7th Street
San Francisco, California 94103-1518

One copy of Appellant's notice is hand delivered for the United States Postal Service first class mail delivery on, 01/14/2019 for:

ZAPATA LAW PPLC
Julio M. Zapata
2820 S. Alma School Rd. 18-141
Chandler, Arizona 85286
Attorney for defendants

By: /s/ Richard Neal

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[ENTERED APRIL 04, 2018]

FILED

APR 4 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Richard Leland Neal, No. 18-15612
Plaintiff, D.C. No. 3:16-cv-16-08291-DLR
District of Arizona, Prescott

v.

B. Marc Neal, et al., ORDER
Defendants.

Before: WALLACE, SILVERMAN, AND McKEOWN,
Circuit judges.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. See Fed. R. App. P. 35.

Appellant's petition for rehearing en banc (Docket entry No. 19) is denied.

Appellant's motion to stay the mandate (docket entry No. 18) is denied.

No further filings will be entertained in this closed case.

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[ENTERED APRIL 12, 2018]

FILED
APR 12 2018
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Richard Leland Neal, No. 18-15612
Plaintiff, D.C. No. 3:16-cv-16-08291-DLR
v. District of Arizona, Prescott

B. Marc Neal, et al., MANDATE
Defendants.

The judgment of this Court, entered December 19, 2018, takes effect this date.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of appellant Procedure.

FOR THE COURT:
MOLLY C. DWYER
CLERK OF COURT

By: Craig Westbrooke
Deputy Clerk
Ninth Circuit Rule; 27-7