

APPENDIX A

18-1192 Summary

General Docket Court of Appeals, 2nd Circuit

Court of Appeals Docket #: 18-1192

Docketed: 04/25/2018

Termed: 05/24/2018

Sun v. Zeve

Appeal From: SDNY (NEW YORK CITY)

Fee Status: Not Applicable

Case Type Information:

1) Misc. Civil 2) Other 3) none

Originating Court Information:

District: 0208-1 : 18-cv-2749

Trial Judge: Alison J. Nathan, U.S. District Judge

Prior Cases: None

Current Cases: None

Panel Assignment: Not available

Xiu Jian Sun Xiu Jian Sun,
Petitioner [NTC Pro Se]
 2nd Floor
 54-25 153rd Street
 Flushing, NY 11355

Oren L. Zeve

Respondent

Barbara D. Underwood,
[COR NTC Government]
New York State Office of
the Attorney General
28 Liberty Street
New York, NY 10005

Xiu Jian Sun,
Petitioner,
v.
Oren L. Zeve,
Respondent.

04/24/2018 1 NOTICE OF CIVIL APPEAL, and
7 pg, 5.63 MB district court docket, RECEIVED.
[2287601] [18-1192] [Entered:
04/25/2018 09:38 AM]

04/24/2018 2 DISTRICT COURT ORDER OF
4 pg, 169.9 KB DISMISSAL, dated 04/05/2018,
RECEIVED. [2287607] [18-1192]
[Entered: 04/25/2018 09:39 AM]

04/24/2018 3 DISTRICT COURT CIVIL
1 pg, 47.3 KB JUDGMENT, dated 04/05/2018,
RECEIVED. [2287612] [18-1192]
[Entered: 04/25/2018 09:40 AM]

04/24/2018 4 ELECTRONIC INDEX, in lieu of
3 pg, 49.55 KB record, FILED. [2287616] [18-1192]
[Entered: 04/25/2018 09:41 AM]

A3

- 04/25/2018 5 ORDER, dated 04/25/2018,
1 pg, 36.61 KB dismissing appeal by 05/16/2018,
unless Petitioner Xiu Jian Sun
submits a motion for leave to
appeal, FILED. [2287630] [18-1192]
[Entered: 04/25/2018 09:46 AM]
- 05/04/2018 8 PAPERS, Acknowledgment and
6 pg, 212.48 KB Notice of Appearance, Form D-P,
Scheduling Notification, on behalf
of Petitioner Xiu Jian Sun,
RECEIVED. [2298080] [18-1192]
[Entered: 05/08/2018 03:39 PM]
- 05/07/2018 7 PAPERS, District Court Fee Receipt,
3 pg, 50.65 KB RECEIVED. [2296671] [18-1192]
[Entered: 05/07/2018 01:02 PM]
- 05/24/2018 11 NEW CASE MANAGER, Atasha
1 pg, 9.02 KB Joseph, ASSIGNED. [2311202]
[18-1192] [Entered: 05/24/2018
04:50 PM]
- 05/24/2018 12 ORDER, [5] appeal dismissed for
Petitioner Xiu Jian Sun failure to
submit a motion for leave to appeal,
EFFECTIVE. [2311207] [18-1192]
[Entered: 05/24/2018 04:52 PM]

- 05/29/2018 13 BRIEF, on behalf of Petitioner Xiu Jian Sun, FILED. Service date 05/29/2018 by hand delivery. [2316429] [18-1192] [Entered: 06/01/2018 05:02 PM]
- 05/29/2018 14 APPENDIX, volume 1 of 1, (pp. 1-25), on behalf of Petitioner Xiu Jian Sun, FILED. Service date 05/29/2018 by hand delivery. [2316436] [18-1192] [Entered: 06/01/2018 05:09 PM]
- 06/01/2018 15 DEFECTIVE DOCUMENT, BRIEF, 2 pg, 17.35 KB [13], on behalf of Petitioner Xiu Jian Sun, copy sent to pro se, FILED. [2316438] [18-1192] [Entered: 06/01/2018 05:10 PM]
- 07/02/2018 18 STRIKE ORDER, striking Petitioner Xiu Jian Sun BRIEF [13] from the docket, copy sent to pro se, FILED. [2336497] [18-1192] [Entered: 07/02/2018 10:29 AM]
- 07/02/2018 19 CERTIFIED COPY OF ORDER, 1 pg, 528.96 KB dated 04/25/2018, determining the appeal to SDNY, copy sent to pro se, ISSUED. [Mandate] [2336527] [18-1192] [Entered: 07/02/2018 10:45]

A5

AM]

Clear All

Documents and Docket Summary
 Documents Only

Include Page Numbers

Selected Pages: 0

Selected Size: 0 KB

[View Selected](#)

PACER Service Center

Transaction Receipt

07/06/2018 00:24:41

PACER Login: xiujiansun

Client Code: xiujiansun

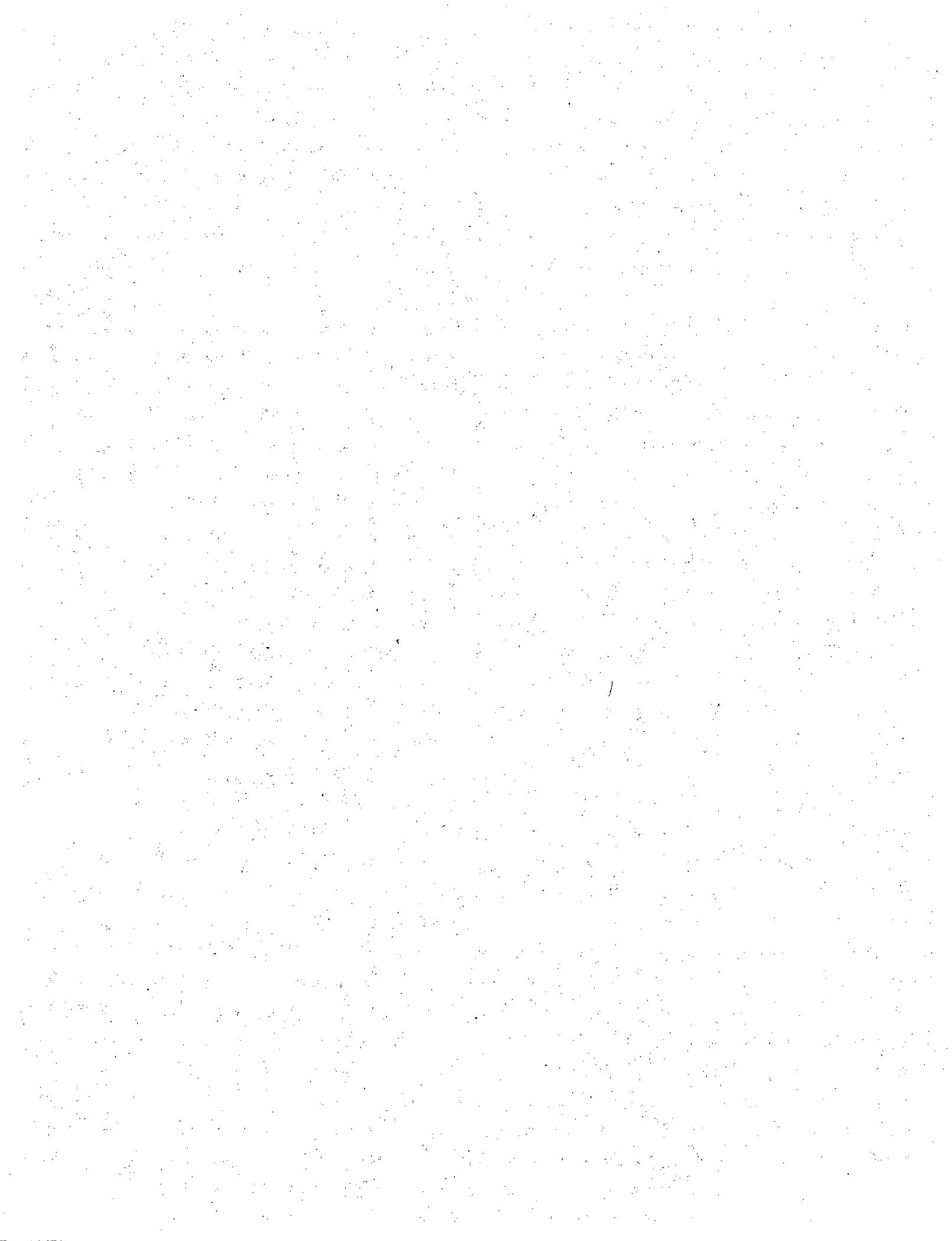
Description: Docket Report (full)

Search Criteria: 18-1192

Billable Pages: 1

Cost: 0.10

[https://ecf.ca2.uscourts.gov/n/beam/servlet/Transport
Room](https://ecf.ca2.uscourts.gov/n/beam/servlet/TransportRoom)



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APPENDIX B

Case 18-1192, Document 4, 04/24/2018, 2287616,
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Case 18-1192, Document 7, 05/07/2018, 2296671,
Page 1 of 3

Activity in Case 1:18-cv-02749-AJN Sun v. Zeve
Appeal Record Sent to USCA - Electronic File
NYSD_ECF_Pool to: CourtMail

04/24/2018 11:05 AM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**U.S. District Court
Southern District of New York**

Notice of Electronic Filing

B2

The following transaction was entered on 4/24/2018
at 11:04 AM EDT and filed on 4/24/2018

Case Name: Sun v. Zeve

Case Number: 1:18-cv-02749-AJN

Filer:

WARNING: CASE CLOSED on 04/05/2018

Document Number: No document attached

Docket Text:

Appeal Record Sent to USCA (Electronic File).
Certified Indexed record on Appeal Electronic
Files for [7] Notice of Appeal filed by Xiu Jian
Sun were transmitted to the U.S. Court of
Appeals. (tp)

1:18-cv-02749-AJN Notice has been
electronically mailed to:

1:18-cv-02749-AJN Notice has been delivered by
other means to:

Xiu Jian Sun
54-25 153rd Street
2fl
Flushing, NY 11355

Case 18-1192, Document 5, 04/25/2018, 2287630,
Page 1 of 1

**UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of April, two thousand and eighteen,

Xiu Jian Sun,
Petitioner,
v.
Oren L. Zeve,
Respondent.

ORDER
Docket No. 18-1192

On December 13, 2017 this Court entered an order in Sun v. Dillon, 16-3557 requiring appellant to file a motion seeking leave of this Court prior to filing any future appeals.

A notice of appeal in the above referenced case was filed. The Court has no record that appellant sought the Court's permission to appeal prior to filing the notice of appeal.

B4

IT IS HEREBY ORDERED that this case is dismissed effective May 16, 2018 unless a motion seeking leave of this Court is filed by that date.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court

UNITED STATES
COURT OF APPEALS
SECOND CIRCUIT
Catherine O'Hagan Wolfe

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Case 18-1192, Document 7, 05/07/2018, 2296671,
Page 1 of 3

Case 18-1192, Document 4, 04/24/2018, 2287616,
Page 1 of 3

Activity in Case 1:18-cv-02749-AJN Sun v. Zeve
USCA Appeal Fees NYSD_ECF_Pool to: CourtMail
05/04/2018 10:45 AM

From: NYSD_ECF_Pool@nysd.uscourts.gov
To: CourtMail@nysd.uscourts.gov

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NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**U.S. District Court
Southern District of New York**

Notice of Electronic Filing

B6

The following transaction was entered on 4/24/2018
at 11:04 AM EDT and filed on 5/4/2018

Case Name: Sun v. Zeve

Case Number: 1:18-cv-02749-AJN

Filer:

WARNING: CASE CLOSED on 04/05/2018

Document Number: No document attached

Docket Text:

**USCA Appeal Fees received \$ 505.00 receipt
number 465401208343 on 5/4/2018 re: [7] Notice
of Appeal filed by Xiu Jian Sun. (tp)**

**1:18-cv-02749-AJN Notice has been
electronically mailed to:**

**1:18-cv-02749-AJN Notice has been delivered by
other means to:**

Xiu Jian Sun
54-25 153rd Street
2fl
Flushing, NY 11355

Case 18-1192, Document 8, 05/04/2018, 2298080,
Page 1 of 6

UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT

_____ x

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, SERVANT: XIU 18-1192
JIAN SUN, THE SPIRITUAL ADAM

Plaintiff - Appellant, RECEIVED
-against- 2018 MAY 4 AM 10:48

Livestock: CLERK'S OFFICE
OREN L. ZEVE, U.S. COURT OF APPEALS
Defendant - Appellee. COUNTER 1

_____ x

Response to Motion

Jehovah, -the Lord god of host sent the messenger
speaks to spiritual Adam, - plaintiff through angel,
says: "**Outside is washed, but did not wash**
inside". (外面洗了, 里面却没洗)

Dated: Queens, New York
May 1, 2018

The Church of Jesus Christ of Latter-day saints

Servant: Xiu Jian Sun, the spiritual Adam

Xiu Jian Sun, the spiritual Adam
54-25 153rd St., 2FL
Flushing, NY 11355
646-675-0308
Plaintiffs

cc: Oren L. Zeve, (**Livestock**)
Managing Assistant Solicitor General
State of New York Office of the Attorney General
120 Broadway, 25th Floor
New York, NY 10271-0332
Phone: 212-416-8882, 212-416-8020,
Fax: 212-416-8962
<http://www.ag.ny.gov>, oren.zeve@ag.ny.gov.

Case 18-1192, Document 8, 05/04/2018, REOEIVED
2298080, Page2 of 6 2018 MAY 4 AM 10:47
CLERK'S OFFICE
ACKNOWLEDGMENTAND U.S. COURT OF
NOTICE OF APPEARANCE APPEALS

Short Title: XIU JIAN SUN, the spiritual Adam V.
Oren L. Zeve Docket No.: 18-1192
Lead Counsel of Record (name/firm) or Pro se Party
(name): The Church of Jesus Christ of Latter-day
saints
Appearance for (party/designation): Xiu Jian Sun, the
spiritual Adam

DOCKET SHEET
ACKNOWLEDGMENT/AMENDMENTS

Caption as indicated is:

- x Correct
 Incorrect. See attached caption page with
corrections.

Appellate Designation is:

- X Correct
 Incorrect. The following parties do not wish to
participate in this appeal: Parties: _____
 Incorrect. Please change the following parties'
designations: Party Correct Designation

Contact Information for Lead Counsel/Pro Se Party is:

Correct

Incorrect or Incomplete, and should be amended as follows:

Name: _____

Finn: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

RELATED CASES

This case has not been before this Court previously.
 This case has been before this Court previously.
The short title, docket number, and citation are:
16-3103, 16-3557, 17-1215, 17-2314, 17-3246;* On the date of December 29, 2017, when looking at the letter sent by the defendant's lawer, -Oren L. Zeve, the Lord god of host Jehovah makes sound from the God's temple and says: "Livestock." (牲畜). (Docket#: 17-2314) Matters related to this appeal or involving the same issue have been or presently are before this Court. The short titles, docket numbers, and citations are: _____

CERTIFICATION

I certify that I am admitted to practice in this Court and, if required by LR 46.1(a)(Z), have renewed my admission on _____ OR that I applied for admission on _____ or renewal on _____. If the Court has not yet admitted me or approved my renewal, I have completed Addendum A.

Signature of Lead Counsel of Record: _____

B11

Type or Print Name: _____ OR

Signature of pro se litigant: Xiu Jian Sun, the spiritual Adam

Type or Print Name: Xiu Jian Sun, the spiritual Adam(The Church of Jesus Christ of Latter-day saints

X I am a pro se litigant who is not an attorney.

 I am an incarcerated pro se litigant.

Case 18-1192, Document 8, 05/04/2018, 2298080,
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**UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

**CIVIL APPEAL TRANSCRIPT INFORMATION
(FORM D-P) FOR PRO SE APPELLANTS**

A PRO SE APPELLANT MUST FILE THE ORIGINAL OF THIS FORM WITH THE CLERK OF THE SECOND CIRCUIT IN ALL CML APPEALS WITHIN 14 CALENDAR DAYS AFTER FILING A NOTICE OF APPEAL.

**THIS SECTION MUST BE COMPLETED BY
APPELANT**

CASE TITLE:	Docket Number:
Xiu Jian Sun, the spiritual Adam	18-1192
Plaintiff-Appellant	
v.	RECEIVED
Oren L. Zeve	2018 MAY 4 AM 10:47
Defendants-Appellees	CLERK'S OFFICE
	U.S. COURT OF APPEALS

DISTRICT: SECOND COURT

JUDGE: _____

COURT REPORTER_____

APPELLANT: Xiu Jian Sun, the spiritual Adam

PRO SE APPELLANT: 5425 153rd St., 2FL,

Flushing, NY 11355, 646-675-0308.

Check the applicable provision:

- I am ordering a transcript.
 I am not ordering a transcript

Reason for not ordering a transcript:

- Copy is already available
 No transcribed proceedings
 Other (Specify in the space below):

PROVIDE A DESCRIPTION, INCLUDING DATES, OF THE PROCEEDINGS FOR WHICH A TRANSCRIPT IS REQUIRED (i.e., oral argument, order from the bench, etc.)

METHOD OF PAYMENT

- Funds CJA Voucher (CJA 21)

INSTRUCTIONS TO COURT REPORTER:

- PREPARE TRANSCRIPT OF PRE-TRIAL PROCEEINGS
 PREPARE TRANSCRIPT OF TRIAL
 PREPARE TRANSCRIPT OF OTHER POST-TRIAL PROCEEDINGS
 OTHER (Specify In the space below):

DELIVER TRANSCRIPT TO: (APPELLANT'S NAME, ADDRESS, TELEPHONE)

The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam

54-25 153rd St., 2FL, Flushing, NY 11355
(646) 675-0308

I certify that I have made satisfactory arrangements with the court reporter for payment of the cost of the transcript. See FRAP 10(b). I understand that unless I have already ordered the transcript, I shall order its preparation at the time required by FRAP and the Local Rules.

APPELLANT'S SIGNATURE	DATE
<u>Xiu Jian Sun, the spiritual Adam</u>	<u>05/01/2018</u>

COURT REPORTER ACKNOWLEDGMENT: This section is to be completed by the court reporter. Return one copy to the Clerk of the Second Circuit. _____

DATE ORDER RECEIVER _____
ESTIMATED COMPLETION DATE _____
ESTIMATED NUMBER OF PAGES _____

SIGNATURE OF COURT REPORTER _____
DATE _____

Case 18-1192, Document 8, 05/04/2018, 2298080,
Page 4 of 6

UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT

PRO SE SCHEDULING NOTIFICATION (NON -
AGENCY CASE)

THIS SECTION MUST BE COMPLETED BY
APPELLANT

CASE TITLE:

The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam
Plaintiff-Appellant

v.

Oren L. Zeve
Defendant-Appellee

USCA DOCKET NUMBER:

DISTRICT: 0208-1:18-cv-2749

DISTRICT/AGENCY NUMBER: _____

APPELLANT: Xiu Jian Sun, The spiritual Adam,
The Church of Jesus Christ of Latter-day saints

APPELLANT'S ADDRESS: 5425 153rd St., 2FL,
Flushing, NY 11355.

APPELLANT'S PHONE NUMBER: 646-675-0308

Pursuant to Local Rule 31.2(a)(1)(A), I request that
my brief and appendix be accepted for filing no

later than 07/28/2018. This date is within 91 days of the later of (1) the receipt of the last transcript in my case or (2) when no transcript is ordered, the required filing date of my Form D-P with the Court.

I understand that if I fail to return this signed scheduling proposal as stated above, the Court will issue an order setting a 40-day deadline to file my brief. If I fail to file my brief: the case may be dismissed.

I also understand that in the absence of extraordinary circumstances, such as a personal illness or family death, the Court will not grant a motion to extend the time to file a brief.

Local Rule 27.1.(f)(l).

May 1, 2017

Date

Xiu Jian Sun, the spiritual Adam
Signature of Appellant/Petitioner
Servant: Xiu Jian Sun, the spiritual Adam

RECEIVED
2018 MAY 4 PM 10:47
CLERK'S OFFICE
U.S. COURT OF APPEALS

Case 18-1192, Document 8, 05/04/2018, 2298080,
Page 5 of 6

UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT

CAPTION: CERTIFICATE OF SERVICE
THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, Servant:
Xiu Jian Sun, the spiritual Adam

Plaintiff-Appellant

v. **Docket Number: 18-1192**

Oren L. Zeve

Defendant-Appellee

I, Xiu Jian Sun, the spiritual Adam, hereby
certify under penalty of perjury that on 05/03/2018. I
served a copy of 1) Scheduling Notification; 2) Form
D-P; 3) Acknowledgment and Notice Appearance; 4)
Response to Motion.

by (select all applicable) • •

- Personal Delivery United States Mail
 Federal Express or other Overnight Courier
 Commercial Carrier E-Mail (on consent)

on the following parties:

Name Address City State Zip Code

Oren L. Zeve, (Livestock)

Managing Assistant Solicitor General
State of New York Office of the Attorney General
120 Broadway, 25th Floor, New York, NY 10271-0332

- A party must serve a copy of each paper on the other parties, or their counsel, to the appeal or proceeding. The Court will reject papers for filing if a certificate of service is not simultaneously filed
- If different methods of service have been used on different parties, please complete a separate certificate of service for each party.

05/04/2018 Xiu Jian Sun, the spiritual Adam
Today's Date Signature

Certificate of Service Form (Last Reviewed 12/2015)

B19

Case 18-1192, Document 11, 05/24/2018, 2311202,
Page 1 of 1

**United States Court of Appeals for the Second
Circuit Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

ROBERT A. KATZMANN
CHIEF JUDGE
Date: May 24, 2018
Docket #: 18-1192mv
Short Title: Sun v. Zeve

CATHERINE O'HAGAN WOLFE
CLERK OF COURT
DC Docket #: 18-cv-2749
DC Court: SDNY (NEW YORK CITY)
DC Judge: Nathan

NOTICE OF CASE MANAGER CHANGE

The case manager assigned to this matter has been
changed.

Inquiries regarding this case may be directed to 212-
857-8522.

C1

APPENDIX C

Case 18-1192, Document 14, 05/29/2018, 2316436,
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18-1192

**UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, SERVANT:
XIU JIAN SUN, THE SPIRITUAL ADAM

Plaintiff - Appellant,

v.

Livestock: OREN L. ZEVE,
Defendants -Appellees.

**On Appeal from the United States District
Court for the Southern District of New York**

**Appendix of Appellant Xiu Jian Sun, the spiritual
Adam**

The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam Pro Se
54-25 153rd St., 2FL, Flushing, NY 11355
646-675-0308

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04:48 PM EDT 1 of 2

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Case 18-1192, Document 7, 05/07/2018, 2296671,
Page2 of 3

CLOSED,APPEAL,ECF,PRO-SE

**U.S. District Court Southern District of New
York (Foley Square) CIVIL DOCKET FOR CASE
#: 1:18-cv-02749-AJN**

Sun v. Zeve

Assigned to: Judge Alison J. Nathan

Cause: 28:1331 Fed. Question: Other

Date Filed: 03/28/2018

Date Terminated: 04/05/2018

Jury Demand: None

Nature of Suit: 470 Racketeer/Corrupt Organization

Jurisdiction: Federal Question

Plaintiff

Xiu Jian Sun

The Church of Jesus Christ of Latter-Day Saints,
Servant – The Spiritual Adam
represented by **Xiu Jian Sun** 54-25 153rd Street
2fl, Flushing, NY 11355, PRO SE

V.

Defendant
Oren L. Zeve

Date Filed # Docket Text

03/28/2018 1 COMPLAINT against Oren L. Zeve.
(Filing Fee \$ 400.00, Receipt Number 1205531) Document filed by Xiu Jian Sun.(laq) (Entered: 03/28/2018)

03/28/2018 Magistrate Judge Robert W. Lehrburger is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <http://nysd.uscourts.gov/forms.php>. (laq) (Entered: 03/28/2018)

03/28/2018 Case Designated ECF. (laq) (Entered 03/28/2018)

C5

03/28/2018 2 CIVIL COVER SHEET filed. (laq)
(Entered: 03/28/2018)

03/28/2018 SUMMONS ISSUED as to Oren L.
Zeve. (laq) (Entered: 03/28/2018)

04/05/2018 4 ORDER OF DISMISSAL: Plaintiff
Xiu Jian Sun brings this pro se
action, for which the relevant filing
fees to commence this action have
been paid. The Court dismisses the
complaint for the reasons set forth
below. Even when read with the
"special solicitude" due pro se
pleadings, Triestman, 470 F.3d at 47
4-7 5, Plaintiff's complaint must be
dismissed as frivolous. Plaintiff's
allegations rise to the level of the
irrational, and there is no legal
theory on which he can rely. See
Denton, 504 U.S. at 33; Livingston,
141 F.3d at 437. The Court is aware
that due to Plaintiff's history of filing
frivolous and otherwise
nonmeritorious cases in other courts,
both the Second Circuit Court of
Appeals and the United States
District Court for the Eastern
District of New York have barred

him, under 28 U.S.C. § 1651, from filing civil actions or appeals in those courts without having first obtained permission. Plaintiff is warned that further frivolous or otherwise nonmeritorious litigation in this Court may result in an order barring him from filing new actions in this Court without prior permission. See 28 U.S.C. § 1651. The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court dismisses this action as frivolous. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962), and as further set forth in this order. (Signed by Judge Alison J. Nathan on 4/5/2018) (ap) Modified on 4/6/2018 (ap). Modified on 4/6/2018 (ap). (Entered: 04/05/2018)

04/05/2018

Transmission to Docket Assistant Clerk. Transmitted re: 4 Order of

C7

Dismissal to the Docket Assistant Clerk for case processing. (ap) (Entered: 04/05/2018)

04/05/2018 5 CIVIL JUDGMENT: in favor of Oren L. Zeve against Xiu Jian Sun. IT IS ORDERED, ADJUDGED AND DECREED that the complaint is dismissed as frivolous. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith. IT IS FURTHER ORDERED that the Clerk of Court mail a copy of this judgment to Plaintiff and note service on the docket. (Signed by Judge Alison J. Nathan on 4/5/2018) (ap) (Entered: 04/05/2018)

04/05/2018 Transmission to Docket Assistant Clerk. Transmitted re: 5 Judgment to the Docket Assistant Clerk for case processing. (ap) (Entered: 04/05/2018)

04/06/2018 Mailed a copy of 4 Order of Dismissal 5 Judgment to Xiu Jian Sun 54-25 153rd Street 2fl Flushing, NY 1135 with right to appeal forms

C8

attached. (mhe) (Entered: 04/06/2018)

04/16/2018 7 NOTICE OF APPEAL from 5 Judgment, 4 Order of Dismissal. Document filed by Xiu Jian Sun. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp) (Entered: 04/24/2018)

04/23/2018 6 SUMMONS RETURNED EXECUTED. Summons and Complaint served. Oren L. Zeve served on 4/13/2018, answer due 5/4/2018. Service was made by Mail. Document filed by Xiu Jian Sun. (sc) (Entered: 04/24/2018)

04/23/2018 Appeal Fee Due: for 7 Notice of Appeal. Appeal fee due by 5/7/2018. (tp) (Entered: 04/24/2018)

04/23/2018 Appeal Remark as to 7 Notice of Appeal filed by Xiu Jian Sun. IFP DENIED 04/05/2018. (tp) (Entered: 04/24/2018)

04/24/2018 Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 7 Notice

C9

of Appeal. (tp) (Entered: 04/24/2018)

04/24/2018 Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 7 Notice of Appeal filed by Xiu Jian Sun were transmitted to the U.S. Court of Appeals. (tp) (Entered: 04/24/2018)

PACER Service Center

Transaction Receipt

05/01/2018 08:47:14

PACER xiujiansun: Client Code:
Login:

Description: Docket Report Search 1:18-cv-02749
Criteria: AJN

Billable
Pages: 2 Cost 0.20

https://ecf.nyed.uscourts.gov/cgi-bin/DktRpt.pl?619974704868769-L_1_0-1

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JUDGE NATHAN

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

x

Civil Action No.
18-cv-2749 (AJN)

THE CHURCH OF JESUS 18-cv-2749 (AJN)
CHRIST OF LATTER-DAY
SAINTS, SERVANT: XIU JIAN Apply for jury
SUN, THE SPIRITUAL ADAM to prevent insult
Plaintiffs and unfair behavior

-against-

Livestock: **RECEIVED**
OREN L. ZEVE, 2018 MAY 29 PM 1:51
Defendant CLERK'S OFFICE
X U.S. COURT OF APPEALS
COUNTER 1

COMPLAINT

TO UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

The complaint of the plaintiffs, -god's servant, Xiu Jian Sun, the spiritual Adam respectfully shows and alleges as follows.

1. At all times hereinafter mentioned, plaintiff, Xiu Jian Sun, the spiritual Adam, is a resident of the State of New York, living at 54-25 153rd S't., 2FL, Flushing NY 11355.
2. At all times hereinafter mentioned, defendant, Oren L. Zeve, located at 120 Broadway, 25th Floor, New York, NY 10271-0332, Phone: 212-416-8882, 212-416-8020, Fax: 212-416-8962, oren.zeve@ag.ny.gov.
3. On the date of December 29, 2017, when looking at the letter sent by the defendant's lawer, -Oren L. Zeve, the Lord god of host Jehovah makes sound from the God's temple and says: "Livestock." (牲畜), (Docket #: 17-2314)
4. Jehovah, -the Lord god of host gives the words to servant (Plaintiff) in the temple he made, "Trial with god's law. Apply for jury to prevent insult and unfair behavior."

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5.

83. And thus ye shall do in all cases which shall come before you.

84. And if a man or woman shall rob, he or she shall be delivered up unto the law of the land.

85. And if he or she shall steal, he or she shall be delivered up unto the law of the land.

86. And if he or she shall lie, he or she shall be delivered up unto the law of the land.

87. And if he or she do any manner of iniquity, he or she shall be delivered up unto the law, even that of God.

88. And if thy brother or sister offend thee, thou shalt take him or her between him or her and thee alone; and if he or she confess thou shalt be reconciled.

89. And if he or she confess not thou shalt deliver him or her up unto the church, not to the members, but to the elders. And it shall be done in a meeting, and that not before the world.

90. And if thy brother or sister offend many, he or she shall be chastened before many.

6.

91. And if any one offend openly, he or she shall be

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rebuked openly, that he or she may be ashamed. And if he or she confess not, he or she shall be delivered up unto the law of God.

92. If any shall offend in secret, he or she shall be rebuked in secret, that he or she may have opportunity to confess in secret to him or her whom he or she has offended, and to God, that the church may not speak reproachfully of him or her.
 93. And thus shall ye conduct in all things.
7. I (servant) would like to request a Mandarin Chinese court interpreter for my court day.

Dated: Queens, New York
March 23, 2018

The Church of Jesus Christ of Latter-day saints

Servant: Xiu Jian Sun, the spiritual Adam
Xiu Jian Sun, the spiritual Adam
54-25 153rd St., 2FL
Flushing, NY 11355
646-675-0308
Plaintiffs

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Filed 03/28/18 Page 1 of 2
JS 44C/SDNY
REV. 06/01/17 **JUDGE NATHAN**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

MAR 28 2018

18-cv-2749

PLAINTIFFS

The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam

DEFENDANTS

Oren L. Zeve,

ATTORNEYS (FIRM NAME, ADDRESS, AND
TELEPHONE NUMBER) ATTORNEYS (IF
KNOWN)

The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam
54-25 153rd St., 2FL, Flushing, NY 11355

CAUSE OF ACTION (CITE THE U.S. CIVIL
STATUTE UNDER WHICH YOU ARE FILING AND
WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES
UNLESS DIVERSITY)

On the date of December 29, 2017, when looking. at
the letter sent by the defendant's lawer, -Oren L. Zeve,
the Lord god of host Jehovah makes sound from the
God's temple and says: "**Livestock.**" (牲畜)

28 U.S.C. 1331

Has this action, case, or proceeding, or one
essentially the same been previously filed in SONY at
any time? No Yes Judge Previously Assigned

If yes, was this case Vol. InvoI. Dismissed. No
 Yes If yes, give date & Case No.

IS THIS AN INTERNATIONAL ARBITRATION
CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT
TORTS ACTIONS UNDER STATUTES

CONTRACT

PERSOSAL INJURY

- __ 110 Insurance
- __ 120 Marine
- __ 130 Miller Act
- __ 140 Negotiable Instrument
- __ 150 Recovery of Overpayment & Enforcement Judgment
- __ 151 Medicate Act
- __ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- __ 153 Recovery of Overpayment of Veteran's Benefits
- __ 160 Stockholders Suits
- __ 190 Other Contract
- __ 195 Contact Product Liability
- __ 196 Franchise
- REAL PROPERTY
 - __ 210 Land Condemnation
 - __ 220 Foreclosure
 - __ 230 Rent Lease
 - __ 240 Torts to Land
 - __ 245 Tort Product Liability
 - __ 290 All Other Real Property
- __ 310 Airplane
- __ 315 Airplane
- Product Liability
- __ 320 Assault Libel & Slander
- __ 330 Federal Employees Liability
- __ 340 Marine
- __ 345 Marine Product Liability
- __ 350 Motor Vehicle
- __ 355 Motor Vehicle Product Liability
- __ 360 Other Personal Injury
- __ 362 Personal Injury MED Malpractice
- PERSOSAL INJURY
 - __ 365 Personal Injury
 - Product Liability
 - __ 367 Health Card
 - Pharmaceutical
 - Personal Injury
 - Product Liability
 - __ 368 Asbestos
 - Personal Injury
 - Product Liability

CIVIL RIGIITS

PERSOSAL PROPERTY

- ___ 440 Other Civil Rights
- ___ 441 Voting
- ___ 442 Employment
- ___ 443 Housing / Accommodations
- ___ 445 Americans with Disabilities-Employment
- ___ 446 Americans with Disabilities-Other
- ___ 448 Education
- ___ 370 Other Fraud
- ___ 371 Truth in Lending
- ___ 380 Other Personal Property Damage
- ___ 385 Property Damage Product Liability

FORFEITURE/PENALTY

- ___ 625 Drug Related Seizure of Property
21 USC 881
- ___ 690 Other
- ___ BANKRUPTCY
- ___ 422 Appeal 28 USC
158
- ___ 423 Withdrawal 28
USC 157

OTHER STATUTES

- ___ 375 False Claims Act
- ___ 376 Qui Tarn (31 USC 3729(a))
- ___ 400 State Reappointment
- ___ 410 Antitrust
- ___ 430 Banks and Banking
- ___ 450 Commerce
- ___ 460 Deportation
- ___ x 470 Racketeer Influenced and Corrupt Organizations (RICO)
- ___ 480 Consumer Credit
- ___ 490 Cable/Satellite TV
- ___ 850 Securities/Commodities/Exchange

- 890 Other Statutory Actions
- 891 Agricultural Acts
- 893 Environmental Mailers
- 895 Freedom of Information Act
- 896 Arbitration
- 899 Administrative Procedure Act / Review of Appeal of Agency Decision
- 950 Constitutionality of State Statutes

PROPERTY RIGHTS

- 820 Copyrights
- 830 Patent
- 835 Patent-Abbreviated New Drug Application
- 840 Trademark

SOCIAL SECURITY

- 861 HIA (1395(F))
- 862 Black Lung (923)
- 863 DIWC/DIWW (405(g))
- 864 SSID Title XVI
- 865 RSI (405(g))

LABOR

- 710 Fair Labor Standards Act
- 720 Labor/ Management Relations
- 740 Railway Labor Act
- 751 Family and

PRISONER PETITIONS

- 463 Alien Detainee
- 510 Motions to Vacate Sentence 28 USC 2255
- 530 Habeas Corpus
- 535 Death Penalty
- Other
- 540 Mandamus &

Medical Leave Act	Other
<input type="checkbox"/> 790 Other Labor	
Litigation	PRISONER CIVIL RIGHTS
<input type="checkbox"/> 791 Employee	<input type="checkbox"/> 550 Civil Rights
Retirement Income	<input type="checkbox"/> 555 Prison Condition
Security Act	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement
FEDKRAL TAX SUITS	
<input type="checkbox"/> 870 Taxes (U.S.	IMMIGRATION
Plaintiff or Defendant)	<input type="checkbox"/> 462 Naturalization
<input type="checkbox"/> 871 IRS-Third	Application
Party 26 USC 7609	<input type="checkbox"/> 465 Other Immigration Actions

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER
F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A
CIVIL CASE NOW PENDING IN S.D.N.Y. AS
DEFINED BY LOCAL RULE FOR DIVISION OF
BUSINESS 13?

IF SO. STATE:

DEMAND \$ _____ OTHER _____ JUDGE

DOCKET NUMBER _____

Check YES only if demanded in complaint JURY
DEMAND: X YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- a. all parties represented
- b. At least one party is pro se.
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation (Transferred)
- 7 Appeal to District Judge from Magistrate Judge
- 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR
DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

- Adam is the son of God, testify for God.

PTF DEF

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CITIZEN OF THIS STATE [] 1 [] 1
CITIZEN OF ANOTHER STATE [] 2 [] 2
CITIZEN OR SUBJECT OF A [] 3 [] 3
FOREIGN COUNTRY
INCORPORATED or PRINCIPAL PLACE
OF BUSINESS IN ANOTHER STATE [] 4 [] 4
INCORPORATED and PRINCIPAL PLACE
OF BUSINESS IN THIS STATE [] 5 [] 5
FOREIGN NATION [] 6 [] 6

● But now, O Lord, thou art our father; we are
the clay, and thou our potter; and we all are the
work of thy hand.

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam
54-25 153rd St., 2FL, Flushing, NY 11355
Queens County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Oren L. Zeve,
120 Broadway, 25th FL, New York, NY 10271-0332
New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING

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DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED
TO: WHITE PLAINS X MANHATTAN

DATE

SIGNATURE OF ATTORNEY OF RECORD
RECEIPT #

PROSE INTAKE UNIT 03/28/2018

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO [] YES (DATE ADMITTED Mo.
____ Yr. ____) Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge MAG. JUDGE LEHRBURGER is so Designated.

Ruby J. Krajick, Clerk of Court by _____
Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Clear Form **Save** **Print**

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Case 18-1192, Document 2,
04/24/2018, 2287607, Page 1 of 4 USDC SDNY
DOCUMENT
Case 1:18-cv-02749 ELECTRONICALLY FILED
-AJN Document 4 DOC #: _____
Filed 04/05/18 DATE FILED: APR 05, 2018
Page 1 of 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, SERVANT:
XIU JIAN SUN, THE SPIRITUAL ADAM,
Plaintiff, 18-CV-2749 (AJN)

-against- ORDER OF DISMISSAL
LIVESTOCK: OREN L. ZEVE,
Defendant.

ALISON J. NATHAN, United States District Judge:

Plaintiff Xiu Jian Sun brings this pro se action, for which the relevant filing fees to commence this action have been paid. The Court dismisses the complaint for the reasons set forth below.

STANDARD OF REVIEW

The Court has the authority to dismiss a complaint, even when the plaintiff has paid the filing fee, if it

determines that the action is frivolous, *Fitzgerald v. First E. Seventh Tenants Corp.*, 221 F.3d 362, 363-64 (2d Cir. 2000) (per curiam) (citing *Pillay v. INS*, 45 F.3d 14, 16-17 (2d Cir. 1995) (per curiam) (holding that Court of Appeals has inherent authority to dismiss frivolous appeal)), or that the Court lacks subject matter jurisdiction, *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999). The Court is obliged, however, to construe prose pleadings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the "strongest [claims] that they suggest," *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006) (internal quotation marks and citations omitted, emphasis in original).

A claim is frivolous when it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 324-25 (1989), abrogated on other grounds by *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007); see also *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (holding that "finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible"); *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) ("[A]n action is 'frivolous' when either: (1) the factual contentions are clearly baseless ... ; or (2) the claim is based on an indisputably meritless legal theory.") (internal quotation marks and citation omitted).

BACKGROUND

Plaintiff, a Queens resident, identifies himself in the caption of the complaint as "The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun,

The Spiritual Adam." He names as the sole defendant "Livestock: Oren L. Zeve," states that Zeve is located in Manhattan, and suggests that Zeve may be employed by the Office of the New York State Attorney General. (Compl. at ¶ 2.) Plaintiff alleges that on December 29, 2017, "the Lord god of host Jehovah [made] sound from the God's temple and [said]: Livestock." (Id. at ¶ 3.) He adds that Jehovah spoke to him and said, "Trial with god's law. Apply for jury to prevent insult and unfair behavior." (Id. at ¶ 4.) The next several paragraphs do not set forth any factual allegations. Instead, they appear to be verses from religious texts. (See id. at ¶¶ 5, 83-93.)¹ Plaintiff concludes by requesting a Mandarin interpreter "for [his] court day." (Id. at ¶ 7.) He does not specify the relief that he seeks in this action.

DISCUSSION

Even when read with the "special solicitude" due pro se pleadings, Triestman, 470 F.3d at 474-75, Plaintiffs complaint must be dismissed as frivolous. Plaintiffs allegations rise to the level of the irrational, and there is no legal theory on which he can rely. See Denton, 504 U.S. at 33; Livingston, 141 F.3d at 437.

District courts generally grant a pro se plaintiff an opportunity to amend a complaint to cure its defects, but leave to amend is not required where it would be futile. See Hill v. Curcione, 657 F.3d 116, 123-24 (2d Cir. 2011); Salahuddin v. Cuomo, 861 F.2d 40, 42 (2d Cir. 1988). Because the defects in Plaintiffs complaint

¹ Although Plaintiff numbered the complaint's paragraphs, they are not in sequential Order

cannot be cured with an amendment, the Court declines to grant Plaintiff leave to amend.

LITIGATION HISTORY

The Court is aware that due to Plaintiff's history of filing frivolous and otherwise nonmeritorious cases in other courts, both the Second Circuit Court of Appeals and the United States District Court for the Eastern District of New York have barred him, under 28 U.S.C. § 1651, from filing civil actions or appeals in those courts without having first obtained permission. Sun v. Dillon, No. 16-3557 (2d Cir. Dec. 23, 2017), cert. denied, No. 17-1000 (U.S. Mar. 5, 2018); Sun v. State of New York of the Attorney General, No. 17-CV-5916 (AMD) (SMG) (E.D.N.Y. Dec. 6, 2017); see also Sun v. Zeve, No. 18-MC-0375 (AMD) (E.D.N.Y. Feb. 8, 2018) (denying leave to file because complaint was frivolous); Sun v. State of New York of the Attorney General, No. 17-CV-5916 (AMD) (SMG) (E.D.N.Y. Oct. 19, 2017) (dismissing complaint as frivolous); Sun v. Supreme Court of the State of New York, Cnty. of Queens, No. 17-CV-5063 (ENV) (CLP) (E.D.N.Y. Sept. 25, 2017) (dismissing complaint as frivolous), appeal dismissed for failure to comply with bar order, No. 17-3246 (2d Cir. Mar. 19, 2018); Sun v. Chow, No. 17-CV-0500 (ENV) (LB) (E.D.N.Y. Sept. 25, 2017) (dismissing complaint as frivolous), appeal dismissed for failure to comply with bar order, No. 17-3249 (2d Cir. Mar. 15, 2018); Sun v. Pollak, No. 17-CV-1570 (ENV) (LB) (E.D.N.Y. Apr. 10, 2017) (complaint dismissed on grounds of absolute judicial immunity), aff'd, No. 17-1217 (2d Cir. Jan. 22, 2018); Sun v. Cheong, No. 16-CV-5734 (ENV) (CLP) (E.D.N.Y. Apr. 10, 2017) (dismissing complaint for failure to prosecute), appeal dismissed, No. 17-1215

(2d Cir. Dec. 28, 2017); Sun v. Katzmann, No. 16-CV-3937 (LDH) (LB) (E.D.N.Y. Aug. 2, 2016) (dismissing complaint as frivolous), appeal dismissed, No. 16-3103 (2d Cir. July 11, 2017); Sun v. Dillon, No. 16-CV-5276 (LDH) (LB) (E.D.N.Y. Oct. 11, 2016) (dismissing complaint as frivolous), aff'd, No. 16-3557 (2d Cir. Nov. 22, 2017), cert. denied, No. 17-1000 (U.S. Jan. 18, 2018); Sun v. Cavallo, No. 16-CV-1083 (ENV) (CLP) (E.D.N.Y. Mar. 22, 2016) (dismissing complaint as frivolous), appeal dismissed, No. 16-0950 (2d Cir. July 28, 2016).

Plaintiff is warned that further frivolous or otherwise nonmeritorious litigation in this Court may result in an order barring him from filing new actions in this Court without prior permission. See 28 U.S.C. § 1651.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court dismisses this action as frivolous.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 5, 2018

New York, New York

Alson J. Nathan

ALSON J. NATHAN

United States District Judge

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Page 1 of 1

Case 1:18-cv-02749-AJN Document 5 USDC SDNY
Filed 04/05/18 Page 1 of 1 DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: APR 05, 2018

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, SERVANT:
XIU JIAN SUN, THE SPIRITUAL ADAM,
Plaintiff, 18-CV-2749 (AJN)
-against- CIVIL JUDGMENT
LIVESTOCK: OREN L. ZEVE,
Defendant.

Pursuant to the order issued April 5, 2018
dismissing the complaint,

IT IS ORDERED, ADJUDGED AND DECREED
that the complaint is dismissed as frivolous.

The Court certifies under 28 U.S.C. § 1915(a)(3) that
any appeal from the Court's judgment would not be

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taken in good faith.

IT IS FURTHER ORDERED that the Clerk of Court mail a copy of this judgment to Plaintiff and note service on the docket.

SO ORDERED.

Dated: April 5, 2018
New York, New York

Alson J. Nathan
ALSON J. NATHAN
United States District Judge

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AO 440 (Rev. 06/12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT for the
Southern District of New York**

2018 APR 23 AM 11:50

The Church of Jesus Christ
of Latter-Day saints, Servant:
Xiu Jian Sun, the spiritual Adam

Plaintiff(s) Civil Action No.
18 CV 2749

v.
Oren L. Zeve,

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) USDC SDNY
Oren L. Zeve, (Livestock) DOCUMENT
120 Broadway, 25th Floor, ELECTRONICALLY
New York, NY 10271-0332 FILED
DOC #: _____
DATE FILED: 4-23-2018

A lawsuit has been filed against you.

Within 21 days after service of this summons on
you (not counting the day you received it) — or 60 days
if you are the United States or a United States agency,

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or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam
54-25 153rd St., 2FL
Flushing, NY 11355

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK
CLERK OF COURT

Date: MAR 28, 2018

Signature of Clerk or Deputy Clerk

Case 18-1192, Document 14, 05/29/2018, 2316436,
Page 17 of 26

Case 1:18-cv-02749-AJN Document 6
Filed 04/23/18 Page 2 of 6

AO 440 (Rev. 06/12) Summons in a Civil Action
(Page 2)
Civil Action No. _____

PROOF OF SERVICE
**(This section should not be filed with the court
unless required by Fed. R. Civ. P. 4 (l))**

This summons for (name of individual and title, if any) Oren L. Zeve was received by me on (date). _____

I personally served the summons on the individual at (place) _____ on (date) _____; or

I left the summons at the individual's residence or usual place of abode with (name) _____, a person of suitable age and discretion who resides there, on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) _____ who is designated by law to accept service of process on behalf of (name of organization) _____ on (date) _____; or

I returned the summons unexecuted because _____; or

Other (specify): _____

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Postal mailed on the date of April 13, 2018

My fees are \$10.00 for travel and \$0 for services, for a total of \$ 10.00.

I declare under penalty of perjury that this information is true.

Date: April 13, 2018

Simon Chen

Server's signature

Simon Chen

Printed name and title

169-51 25 th Ave., Whitestone, NY 11357

Server's address

Additional information regarding attempted service,
etc:

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DOCUMENT
Case 1:18-cv-02749 ELECTRONICALLY FILED
-AJN Document 7 Filed DOC #: _____
04/16/18 Page 3 of 5 DATE FILED: APR 16, 2018

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

X

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, SERVANT: XIU JIAN
SUN, THE SPIRITUAL ADAM Civil Action No.
Plaintiffs 18-CV-2749 (AJN)
-against- Notice of Appeal
Livestock: OREN L. ZEVE
Defendant

X

Notice is hereby given that Xiu Jian Sun, the spiritual Adam (plaintiff) in the above named case, *hereby appeal to the United States Court of Appeals for the 2ND CIR, (from the final judgment) (from the order (describing it)) entered in this action on the 5th day of April, 2018.

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Dated: Queens, New York
April 13, 2018

The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam
54-25 153ra St., 2FL,
Flushing, NY 11355
646-675-0308
Plaintiffs

cc: Oren L. Zeve, (Livestock)
Managing Assistant Solicitor General
State of New York Office of the Attorney General
120 Broadway, 25th Floor,
New York, NY 10271-0332
Phone: 212-416-8882, 212-416-8020,
Fax: 212-416-8962
<http://www.ag.ny.gov>, oren.zeve@ag.ny.gov.

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Page4 of 7

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Filed 04/16/18 Page 4 of 5

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this day of January, 2018, I caused to be placed in the United States mail (first-class postage paid), copies of a "Notice of Appeal" address as follows:

To: Oren L. Zeve &
State of New York Office of the Attorney General,
120 Broadway., 25th Floor, New York, NY 10271.

Dated: April 13, 2018

Simon Chen

D1

APPENDIX D

Case 18-1192, Document 15, 06/01/2018, 2316438,
Page 1 of 2

**United States Court of Appeals for the Second
Circuit Thurgood Marshall U.S. Courthouse
40 Foley Square, New York, NY 10007**

ROBERT A. KATZMANN CHIEF JUDGE
COURT Date: June 01, 2018
Docket #: 18-1192mv
Short Title: Sun v. Zeve

CATHERINE O'HAGAN WOLFE
CLERK OF
DC Docket #: 18-cv-2749
DC Court: SDNY (NEW YORK CITY)
DC Judge: Nathan

NOTICE OF DEFECTIVE FILING

On May 29, 2018 the brief, on behalf of the petitioner Xiu Jian Sun, was submitted in the above referenced case. The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

- Failure to submit acknowledgment and notice of appearance (Local Rule 12.3)
- Failure to file the Record on Appeal (FRAP 10, FRAP 11)

- Missing motion information statement (T-1080 – Local Rule 27.1)
- Missing supporting papers for motion (e.g, affidavit/affirmation/declaration) (FRAP 27)
- Insufficient number of copies (Local Rules: 21.1, 27.1, 30.1, 31.1)
- Improper proof of service (FRAP 25)
 - Missing proof of service
 - Served to an incorrect address
 - Incomplete service (Anders v. California 386 U.S. 738 (1967))
- Failure to submit document in digital format (Local Rule 25.1)
- Not Text-Searchable (Local Rule 25.1, Local Rules 25.2), click [here](#) for instructions on how to make PDFs text searchable
- Failure to file appendix on CD-ROM (Local Rule 25.1, Local Rules 25.2)
- Failure to file special appendix (Local Rule 32.1)
- Defective cover (FRAP 32)
 - Incorrect caption (FRAP 32)
 - Wrong color cover (FRAP 32)
 - Docket number font too small (Local Rule 32.1)

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- Incorrect pagination, click [here](#) for instructions on how to paginate PDFs (Local Rule 32.1)
- Incorrect font (FRAP 32)
- Oversized filing (FRAP 27 (motion), FRAP 32 (brief))
- Missing Amicus Curiae filing or motion (Local Rule 29.1)
- Untimely filing
- Incorrect Filing Event
- Other: a motion for leave to appeal and a motion to reinstate the appeal are required. The motion must include the enclosed Motion Information Statement form, your explanation of reason(s) and the enclosed Certificate of Service.

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than 06/22/2018. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8522.

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**UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2nd day of July, two thousand and eighteen,

Xiu Jian Sun,
Petitioner,
v. **ORDER**
Oren L. Zeve, Docket No. 18-1192
Respondent.

Petitioner's Xiu Jian Sun submission of a brief does not comply with the Court's prescribed filing requirements. Despite due notice, the defect has not been cured.

IT IS HEREBY ORDERED that the said brief is stricken from the docket.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court
United States Court of Appeals, Second Circuit
Catherine O'Hagan Wolfe

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MANDATE

**UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of April, two thousand and eighteen,

Xiu Jian Sun,
Petitioner,
v.
Oren L. Zeve,
Respondent.

ORDER
Docket No. 18-1192

On December 13, 2017 this Court entered an order in Sun v. Dillon, 16-3557 requiring appellant to file a motion seeking leave of this Court prior to filing any future appeals.

A notice of appeal in the above referenced case was filed. The Court has no record that appellant sought the Court's permission to appeal prior to filing the

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notice of appeal.

IT IS HEREBY ORDERED that this case is dismissed effective May 16, 2018 unless a motion seeking leave of this Court is filed by that date.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court
Catherine O'Hagan Wolfe

A True Copy
Catherine O' Hagan Wolfe Clerk
United States Court of Appeals, Second Circuit
Catherine O'Hagan Wolfe

MANDATE ISSUED ON 07/02/2018