

A1

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
Petitioner

Xiu Jian Sun,
[NTC Pro Se]
2nd Floor
54-25 153rd Street
Flushing, NY 1 1355

Oren L. Zeve

A2

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]

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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. 1-26 pg, 1.08 MB 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 1 pg, 36.54 KB 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,
Page1 of 3

Case 18-1192, Document 7, 05/07/2018, 2296671,
Page1 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

B3

Case 18-1192, Document 5, 04/25/2018, 2287630,
Page1 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.

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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,
Page1 of 3

Case 18-1192, Document 4, 04/24/2018, 2287616,
Page1 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

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

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

B7

Case 18-1192, Document 8, 05/04/2018, 2298080,
Page1 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

B8

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.

B9

Case 18-1192, Document 8, 05/04/2018, RECEIVED
2298080, Page 2 of 6 2018 MAY 4 AM 10:47

CLERK'S OFFICE

ACKNOWLEDGMENT AND 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:

☒ Correct

☐ Incorrect. See attached caption page with
corrections.

Appellate Designation is:

☒ 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:

B10

X 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.

 x 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 lawyer, -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 (x) 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.

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Case 18-1192, Document 8, 05/04/2018, 2298080,
Page3 of 6

**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.	REOEIVED
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,

B13

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
PROCEEDINGS

☐ 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

B14

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

Xiu Jian Sun, the spiritual Adam

05/01/2018

COURT REPORTER ACKNOWLEDGMENT: This section is to 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 REPORTED _____

DATE _____

B15

Case 18-1192, Document 8, 05/04/2018, 2298080,
Page4 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

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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)(1).

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

B17

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)

B18

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

Today's Date

Xiu Jian Sun, the spiritual Adam

Signature

Certificate of Service Form (Last Reviewed 12/2015)

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Case 18-1192, Document 11, 05/24/2018, 2311202,
Page1 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.

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APPENDIX C

Case 18-1192, Document 14, 05/29/2018, 2316436,
Page1 of 26

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

TABLE OF CONTENTS

1. U.S. District Court Eastern District of New York Docket Sheet	2
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Case: 1:18-cv-02749-AJN As of: 04/24/2018
04:48 PM EDT 1 of 2

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Page2 of 3

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

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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	<u>1</u>	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
4-75, 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

C6

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

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Criteria: AJN

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case 1:18-cv-027 49-AJN Document 6 Filed 04/23/18
Page 3 of 6

JUDGE NATHAN

**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

Plaintiffs

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

Apply for jury
to prevent insult
and unfair behavior

-against-

Livestock:

OREN L. ZEVE,

Defendant

_____X

RECEIVED

2018 MAY 29 PM 1:51

CLERK'S OFFICE

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."

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)**

C15

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 lawyer, -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. ☐ Invol. ☐ 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

C16

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

CIVIL RIGIITS

PERSOSAL PROPERTY

C17

- | | |
|---|---|
| <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 370 Other Fraud |
| <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 371 Truth in |
| <input type="checkbox"/> 442 Employment | Lending |
| <input type="checkbox"/> 443 Housing / | <input type="checkbox"/> 380 Other Personal |
| Accommodations | Property Damage |
| <input type="checkbox"/> 445 Americans with | <input type="checkbox"/> 385 Property |
| Disabilities-Employment | Damage Product |
| <input type="checkbox"/> 446 Americans with | Liability |
| Disabilities-Other | |
| <input type="checkbox"/> 448 Education | |

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
- ☒ 470 Racketeer Influenced and Corrupt
- Organizations (RICO)
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Satellite TV
- ☐ 850 Securities/Commodities/Exchange

C18

- __ 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 Patient
- __ 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 &

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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	IMMIGRATION
<input type="checkbox"/> 870 Taxes (U.S.	<input type="checkbox"/> 462 Naturalization
Plaintiff or Defendant)	Application
<input type="checkbox"/> 871 IRS-Third	<input type="checkbox"/> 465 Other Immigration
Party 26 USC 7609	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: ☒ 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

C21

CITIZEN OF THIS STATE [] 1 [] 1
CITIZEN OF ANOTHER STATE [] 2 [] 2
 PTF DEF
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 ☒ 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

C23

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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 prose 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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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

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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

X Other (specify):

C33

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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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

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APPENDIX D

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**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)

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- _____ 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

xx 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.
Oren L. Zeve,
Respondent.

ORDER
Docket No. 18-1192

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