

APPENDIX A

**18-1640 Docket
General Docket Court of Appeals, 2nd Circuit**

Court of Appeals Docket #: 18-1640

Docketed: 05/30/2018

Termed: 06/26/2018

The Church of Jesus Christ of v. Newman

Appeal From: SDNY (NEW YORK CITY)

Fee Status: Paid

Case Type Information:

- 1) Misc. Civil
- 2) Other
- 3) none

Originating Court Information:

District: 0208-1:18-cv-4010

Trial Judge: Vernon S. Broderick, U.S. District Judge

Date Filed: 05/04/2018

Date Order/Judgment: 05/21/2018

Date NOA Filed: 05/29/2018

Date Rec'd COA: 05/30/2018

Prior Cases: None

Current Cases: None

Panel Assignment: Not available

The Church of Jesus Christ
of Latter-Day Saints, S Xiu

Xiu Jian Sun,
[NTC Pro Se]

Jian Sun, the Spiritual Adam Petitioner 2nd Floor
54-25 153rd Street
Flushing, NY 11355

Jose A. Cabranes, The Pharisees Even Swallowed Up
Camels, Catherine O'Hagan Wolfe, The Pharisees
Even Swallowed Up Camels, Robert A. Katzmann, The
Pharisees Even Swallowed Up Camels, Dana Ellwood,
The Pharisees Even Swallowed Up Camels,
Respondents

The Church of Jesus Christ of Latter-Day
Saints, S Xiu Jian Sun, the Spiritual Adam,
Petitioner.

V.

Jon O. Newman, The Pharisees even Swallowed Up Camels, Jose A. Cabranes, The Pharisees Even Swallowed Up Camels, Catherine O'Hagan Wolfe, The Pharisees Even Swallowed Up Camels, Robert A. Katzmann, The Pharisees Even Swallowed Up Camels, Dana Ellwood, The Pharisees Even Swallowed Up Camels,

Respondents.

05/30/2018 1 NOTICE OF CIVIL APPEAL, and
6 pg, 530.67 KB district court docket, on behalf of
Petitioner Xiu Jian Sun,
RECEIVED. [2315668] [18-1640]
[Entered: 06/01/2018 11:06 AM]

05/30/2018 3 ELECTRONIC INDEX, in lieu of
5 pg, 60.64 KB record, FILED. [2315674] [18-1640]
[Entered: 06/01/2018 11:11 AM]

05/30/2018 2 DISTRICT COURT ORDER OF
5 pg, 129.39 KB DISMISSAL, dated 05/21/2018,
RECEIVED. [2315671] [18-1640]
[Entered: 06/01/2018 11:10 AM]

05/30/2018 4 PAYMENT OF DOCKETING FEE,
on behalf of Petitioner Xiu Jian
Sun, district court receipt #
465401210218, FILED. [2315682]
[18-1640] [Entered: 06/01/2018
11:13 AM]

06/01/2018 6 ORDER, dated 06/01/2018,
1 pg, 36.83 KB dismissing appeal by 06/22/2018,
unless Petitioner Xiu Jian Sun,
submits motion for leave to appeal,
copy to pro se, FILED. [2315704]
[18-1640] [Entered: 06/01/2018

11:24 AM]

06/19/2018 7 LETTER, on behalf of Respondent Jose A. Cabranes, Dana Dowood, Robert A. Katzmann, Jon O. Newman and Catherine O'Hagan Wolfe, informing the Court at this time the respondents do not intend to participate in the appeal unless requested to do so by the Court, RECEIVED. Service date 06/19/2018 by CM/ECF, US mail. [2327935] [18-1640] [Entered: 06/19/2018 01:21 PM]

06/19/2018 8 ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Respondent Jose A. Cabranes, Dana Dowood, Robert A. Katzmann, Jon O. Newman and Catherine O'Hagan Wolfe, FILED. Service date 06/19/2018 by CM/ECF, US mail. [2327936] [18-1640] [Entered: 06/19/2018 01:23 PM]

06/20/2018 9 CAPTION, to refelect the correct spelling of Dana Ellwood, AMENDED. [2329096] [18-1640] [Entered: 06/20/2018 02:47 PM]

06/26/2018 12 NEW CASE MANAGER, Atasha

A5

1 pg, 9.08 KB Joseph, ASSIGNED. [2332537] [18-1640] [Entered: 06/26/2018 11:21 AM]

06/26/2018 13 ORDER, [6] appeal dismissed for Petitioner Xiu Jian Sun failure to submit a motion for leave to appeal, EFFECTIVE. [2332551] [18-1640] [Entered: 06/26/2018 11:24 AM]

07/17/2018 14 CERTIFIED COPY OF ORDER, 1 pg, 529.17 KB dated 06/01/2018, determining the appeal to SDNY, ISSUED.[Mandate [2347132] [18-1640] [Entered: 07/17/2018 05:04 PM]

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PACER Login: xiujiansun **Client Code:**

Description: Docket Report (full) **Cost:** 0.10

Search Criteria: 18-1640 **Billable Pages:** 1

<https://ecf.ca2.uscourts.gov/n/beam/servlet/TransportRoom>

B1

APPENDIX B

Case 18-1640, Document 1, 05/30/2018, 2315668,
Page 1 of 6

RECEIVED

Case 1:18-cv-04010-VSB SDNY PRO SE OFFICE
Document 10 Filed 05/29/18 2018 MAY 29 PM 2:25
Page 1 of 3 S.D. OF N.Y.

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

_____ X

THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, SERVANT: XIU JIAN
SAINTS, SERVANT: XIU JIAN SUN, THE SPIRITUAL ADAM
Plaintiffs Civil Action No.
18-CV-4010 (VSB)

-against-

The Pharisees Even Swallowed Up Camels:

JON O. NEWMAN, JOSE A.
CABRANES, CATHERINE
O 'HAGAN WOLFE, ROBERT
A. KATZMANN, DANA DOWOOD

Defendants

_____ X

Notice is hereby given that Xiu Jian Sun, the spiritual Adam (plaintiff) in the above named case,

B2

*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 21st day of May, 2018.

Dated: Queens, New York
May 29, 2018

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
Plaintiffs

B3

Case 18-1640, Document 1, 05/30/2018, 2315668,
Page 2 of 6

Case 1:18-cv-04010-VSB Document 10
Filed 05/29/18 Page 2 of 3

Court Name: District Court
Division: 1
Receipt Number: 465401210218
Cashier ID: Jviera
Transaction Date: 05/29/2018
Payer Name: XIU JIAN SUN

NOTICE OF APPEAL/DOCKETING FEE

For: XIU JIAN SUN
Amount: \$505 .00

CEEDIT CARD

Amt Tendered: \$505.00

Total Due: \$505. 00

Total Tendered: \$505.00

Change Amt: \$0.00

18CV4010 (VSB)

Case 18-1640, Document 2, 05/30/2018, 2315671,
Page 1 of 5

Case 1:18-cv-04010-VSB Document 9
Filed 05/21/18 Page 1 of 5

UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK

_____ x

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

Plaintiff, 18-CV-4010 (VSB)
-against- ORDER OF DISMISSAL

THE PHARISEES EVEN
SWALLOWED UP CAMELS: USDC SDNY
JON O. NEWMAN; JOSE A. DOCUMENT
CABRANES; CATHERINE ELECTRONICALLY
O'HAGEN WOLFE; ROBERT A. FILED
KATZMANN; DANA DOWOOD, DOC #: _____
Defendants. DATE FILED: 5/21/2018

_____ x

VERNON S. BRODERICK, United States District
Judge:

Plaintiff Xiu Jian Sun brings this action pro se.
Plaintiff paid the relevant filing fees to commence this
action. 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 pro se 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 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 Defendants “The Pharisees Even Swallowed Up Camels” Second Circuit Judges Jon O. Newman, Jose A. Cabranes, and Robert A. Katzmann, Second Circuit Clerk Catherine O’Hagen Wolfe, and Dana Dowood. (See Compl.)¹ It is not clear who Dowood is, although Plaintiff lists her address as the Second Circuit. Plaintiff does not mention Defendants in the body of the complaint or plead facts about what they did or failed to do. Instead, the complaint contains statements such as: “And if a man or a woman shall rob, he or she shall be delivered up unto the law of the land.” (Id. ¶ 5.) The remaining paragraphs are styled like verses from religious texts. Plaintiff concludes by requesting a Mandarin interpreter “for [his] appeal court day,” (id. ¶ 7), but does not otherwise request any particular relief.

DISCUSSION

¹ “Compl.” Refers to Plaintiff’s complaint, filed May 4, 2018. (Doc. 1.)

Even when read with the “special solicitude” due pro se pleadings, Triestman, 470 F.3d at 474-75, 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.

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

LITIGATION HISTORY

Because of Plaintiff’s history of filing frivolous actions, both the Court of Appeals for the Second Circuit and the United States District Court for the Eastern District of New York have barred Plaintiff under 28 U.S.C. § 1651 from filing civil actions or appeals in those courts without having first obtained permission.² Sun v. Dillon, No. 16-3557 (2d Cir. Dec.

² Plaintiff has previously filed two cases in this Court. He paid the relevant fees to file those cases, and to appeal one of them. See Church of Jesus Christ of Latter Day Saints et al. v. Zeve, No. 18-CV-2749 (AJN) (S.D.N.Y.) (pending); Church of Jesus Christ of Latter Day Saints et al. v. Mullkoff, No. 18-CV-2751 (LTS)

(S.D.N.Y. Apr. 5, 2018) (dismissing matter as frivolous and warning Plaintiff that further frivolous or otherwise nonmeritorious litigation in this Court could result in an order barring him from filing new actions in this Court without prior permission), appeal pending (2d Cir.). It is concerning that Plaintiff is paying large sums of money to pursue frivolous lawsuits having no possibility of bringing him any relief.

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 ordered to show cause by declaration why he should not be barred from filing any further actions in this Court — whether he pays the filing fee or seeks leave to proceed in forma pauperis — without first obtaining permission from this Court to file his complaint. See *Moates v. Barkley*, 147 F.3d 207, 208 (2d Cir. 1998) (per curiam) (“The unequivocal rule in this circuit is that the district court may not impose a filing injunction on a litigant *sua sponte* without providing the litigant with notice and an opportunity to be heard.”). Within thirty days of the date of this order, Plaintiff must submit to this Court a written declaration setting forth good cause why the Court should not impose this injunction upon him. If Plaintiff fails to submit a declaration within the time directed, or if Plaintiff’s declaration does not set forth good

cause why this injunction should not be entered, he will be barred from filing any further actions in this Court unless he first obtains permission from this Court to do so.

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. 28 U.S.C. § 1915(e)(2)(B)(i).

Plaintiff shall have thirty days to show cause by written declaration why an order should not be entered barring him from filing any future action in forma pauperis in this Court without prior permission. A declaration form is attached to this order.

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: May 21, 2018

New York, New York

Vernon S. Broderick

VERNON S. BRODERICK

United States District Judge

Case 18-1640, Document 3-1, 05/30/2018, 2315674,
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: June 01, 2018

Docket #: 18-1640mv

Short Title: The Church of Jesus Christ of v. Newman

CATHERINE O'HAGAN WOLFE

CLERK OF COURT

DC Docket #: 18-cv-4010

DC Court: SDNY (NEW YORK CITY)

DC Judge: Broderick

NOTICE OF RECORD ON APPEAL FILED

In the above referenced case the document indicated below has been filed in the Court.

- Record on Appeal - Certified List
- Record on Appeal - CD ROM
- Record on Appeal - Paper Documents
- Record on Appeal - Electronic Index
- Record on Appeal - Paper Index

Inquiries regarding this case may be directed to 212-857-8523.

B12

Case 18-1640, Document 3-2, 05/30/2018, 2315674,
Page 1 of 4

Activity in Case 1:18-cv-04010-VSB The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam v. Newman et al Appeal Record Sent to USCA - Electronic File NYSD_ECF_Pool to: CourtMail

05/30/2018 10:59 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

The following transaction was entered on 5/30/2018 at 10:58 AM EDT and filed on 5/30/2018

Case Name: The Church of Jesus Christ of Latter-Day
Saints, Servant: Xiu Jian Sun, the
Spiritual Adam Newman et al

Case Number: 1:18-cv-04010-VSB

Filer:

Document Number: No document attached

Docket Text:

Appeal Record Sent to USCA (Electronic File). Certified
Indexed record on Appeal Electronic Files for [10]
Notice of Appeal, filed by The Church of Jesus Christ of
Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual
Adam were transmitted to the U.S. Court of Appeals.
(tp)

1:18-cv-04010-VSB Notice has been electronically
mailed to:

1:18-cv-04010-VSB Notice has been delivered by other
means to:

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

**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 1st day of June, two thousand and eighteen.

The Church of Jesus Christ of Latter- Day
Saints, S Xiu Jian Sun, the Spiritual Adam,
Petitioner, **ORDER**
v. Docket No. 18-1640
Jon O. Newman, The Pharisees even
Swallowed Up Camels, Jose A. Cabranes,
The Pharisees Even Swallowed Up Camels,
Catherine O'Hagan Wolfe, The Pharisees
Even Swallowed Up Camels, Robert A.
Katzmann, The Pharisees Even Swallowed
Up Camels, Dana Dowood, The Pharisees
Even Swallowed Up Camels,
Respondents.

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.

IT IS HEREBY ORDERED that this case is dismissed effective June 22, 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

Case 18-1640, Document 7, 06/19/2018, 2327935,
Page 1 of 2

U.S. Department of Justice
United States Attorney Southern District of New York

86 Chambers Street, New York, New York 10007
June 19, 2018

BY ECF

Hon. Catherine O'Hagan Wolfe Clerk of Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square New York, New York 10007

Re: The Church of Jesus Christ v. Newman
Dkt. No. 181640

Dear Ms. Wolfe:

On June 1, 2018, this Office received a notice of the docketing of the above-named appeal, in which I am listed as counsel of record for the respondents, Hon. Jon O. Newman, Hon. Jose A. Cabranes, Catherine O'Hagan Wolfe, Hon. Robert A. Katzmann, and Dana Dowood. Pro se petitioner, Xiu Jian Sun, appeals from a May 21, 2018, Order of the United States District Court for the Southern District of New York (Broderick, J.), which dismissed the complaint *sua sponte*. The district court dismissed the complaint before the respondents had been served or appeared in

the action. Accordingly, at this time, the respondents do not intend to participate in the appeal unless requested to do so by the Court.

Nevertheless, for the limited purpose of complying with this Court's Local Rule 12.3, I am presently filing a Notice of Appearance on behalf of Hon. Jon O. Newman, Hon. Jose A. Cabranes, Catherine O'Hagan Wolfe, Hon. Robert A. Katzmann, and Dana Dowood, if she is a federal employee. This letter and Notice of Appearance should not be deemed a waiver of any defense, including lack of service.

Judge Broderick was unable to determine whether Dana Dowood is a federal employee, and we have been unable to do so as well. This Office generally handles only appeals in which the United States or federal entities or officials are parties or otherwise involved. If Ms. Dowood is not a federal employee, we respectfully request that the docket sheet be amended to delete the reference to this Office's representing her.

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

by: _____/s/_____

B18

BENJAMIN H. TORRANCE
Chief Appellate Attorney
Civil Division
Telephone: (212) 637-2703
Facsimile: (212) 637-2702

cc: Xiu Jian Sun
54-25 153rd Street, 2nd Floor
Flushing, NY 11355
(by First Class Mail)

Case 18-1640, Document 8-1, 06/19/2018, 2327936,
Page 1 of 1

**ACKNOWLEDGMENT AND NOTICE OF
APPEARANCE**

Short Title: The Church of Jesus Christ v. Newman

Docket No.: 18-1640

**Lead Counsel of Record (name/firm) or Pro se
Party (name):** Hon. Jon O. Newman, Hon. Jose A.
Cabranes, Catherine O'Hagan Wolfe, Hon. Robert A.
Katzmann, and Dana Dowood / Respondents (in their
official capacities, for the limited purpose of complying
with this Court's Rule 12.3)

**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:

X Correct

Incorrect or Incomplete, and should be amended as follows:

Name: _____ Firm: _____
Address: _____ Telephone: _____
Fax: _____ Email: _____

RELATED CASES

X 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: _____

 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)(2), have renewed my admission on January 5, 2015 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: /s/ Benjamin H.

Torrance

Type or Print Name: Benjamin H. Torrance

OR Signature of pro se litigant: _____

Type or Print Name: _____

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

 I am an incarcerated pro se litigant.

Case 18-1640, Document 8-2, 06/19/2018, 2327936,
Page 1 of 1

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

The Church of Jesus Christ of Latter-Day
Saints, S Xiu Jian Sun, the Spiritual Adam,
Petitioner,

v. Case No. 18-1640

Jon O. Newman, The Pharisees even
Swallowed Up Camels, Jose A. Cabranes, The
Pharisees Even Swallowed Up Camels, Catherine
O'Hagan Wolfe, The Pharisees Even Swallowed Up
Camels, Robert A. Katzmann, The Pharisees Even
Swallowed Up Camels, Dana Dowood, The Pharisees
Even Swallowed Up Camels,

Respondents.

CERTIFICATE OF SERVICE

I, Juliette Deen, a Paralegal Specialist for the
Southern District of New York, hereby certify that on
June 19, 2018, I caused a copy of the Acknowledgment
and Notice of Appearance, filed by ECF on June 19,
2018 to be served by United States mail upon the
following:

Xiu Jian Sun
54-25 153rd Street, 2nd Floor
Flushing, NY 11355.

Dated: New York, New York

June 19, 2018

JULIETTE DEEN

B22

Case 18-1640, Document 9, 06/20/2018, 2329096,
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: June 20, 2018
Docket #: 18-1640
Short Title: The Church of Jesus Christ of v. Newman

CATHERINE O'HAGAN WOLFE
CLERK OF COURT
DC Docket #: 18-cv-4010
DC Court: SDNY (NEW YORK CITY)
DC Judge: Broderick

AMENDED CAPTION NOTICE

As noted on the docket sheet, the caption has been changed. If the brief has been filed, six copies of a revised brief cover accurately reflecting the change in official caption must be submitted within 14 days of this notice.

Inquiries regarding this case may be directed to 212-857-8551.

B23

Case 18-1640, Document 12, 06/26/2018, 2332537,
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: June 26, 2018
Docket #: 18-1640mv
Short Title: The Church of Jesus Christ of v. Newman

CATHERINE O'HAGAN WOLFE
CLERK OF COURT
DC Docket #: 18-cv-4010
DC Court: SDNY (NEW YORK CITY)
DC Judge: Broderick

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.

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

MANDATE

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 1st day of June, two thousand and eighteen.

The Church of Jesus Christ of
Latter-Day Saints, S
Xiu Jian Sun, the Spiritual Adam,

Petitioner,	ORDER
v.	Docket No. 18-1640
Jon O. Newman, The Pharisees even Swallowed Up Camels, Jose A. Cabranes, The Pharisees Even Swallowed Up Camels, Catherine O'Hagan Wolfe, The Pharisees Even Swallowed Up Camels, Robert A. Katzmann, The Pharisees Even Swallowed Up Camels, Dana Dowood, The Pharisees Even Swallowed Up Camels,	Respondents.

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.

IT IS HEREBY ORDERED that this case is dismissed effective June 22, 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 07/17/2018

C1

Case 18-1640, Document 1, 05/30/2018, 2315668,
Page 4 of 6

Case: 1:18-cv-04010-VSB As of: 05/30/2018
12:04 PM EDT 1 of 3

Case 18-1640, Document 3-2, 05/30/2018, 2315674,
Page 2 of 4

CLOSED, ECF, PRO-SE

U.S. District Court Southern District of New York
(Foley Square) CIVIL DOCKET FOR CASE #: 1:18-
cv-04010-VSB

The Church of Jesus Christ of Latter-Day
Saints, Servant: Xiu Jian Sun, the Spiritual
Adam v. Newman et al
Assigned to: Judge Vernon S. Broderick
Cause: 28:1331 Fed. Question

Date Filed: 05/04/2018
Date Terminated: 08/21/2018
Jury Demand: Plaintiff
Nature of Suit: 470
Racketeer/Corrupt Organization
Jurisdiction: Federal Question

Plaintiff

**The Church of Jesus Christ of Latter-
Day Saints, Servant: Xiu Jian Sun,
the Spiritual Adam**

represented by **The Church of Jesus Christ of
Latter-Day Saints, Servant: Xiu**

Jian Sun, the Spiritual Adam
54-25 153rd St. 2FL
Flushing, NY 11355. PRO SE

V.

Defendants

Jon O. Newman

The Pharisees Even Swallowed Up Camels,

Jose A. Cabranes

The Pharisees Even Swallowed Up Camels,

Catherine O'Hagan Wolfe

The Pharisees Even Swallowed Up Camels,

Robert A. Katzmann

The Pharisees Even Swallowed Up Camels,

Dana Dowood

The Pharisees Even Swallowed Up Camels.

Date Filed # Docket Text

05/04/2018 1 COMPLAINT against Jose A. Cabranes, Dana Dowood, Robert A. Katzmann, Jon O. Newman, Catherine O'Hagan Wolfe. (Filing Fee \$ 400.00, Receipt Number 465401208370) Document filed by The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam. (pne) (Entered: 05/07/2018)

05/04/2018 2 CIVIL COVER SHEET filed. (pne) (Entered: 05/07/2018)

C3

05/04/2018 SUMMONS ISSUED as to Jon O. Newman. (pne) (Entered: 05/07/2018)

05/04/2018 SUMMONS ISSUED as to Jose A. Cabranes. (pne) (Entered: 05/07/2018)

05/04/2018 SUMMONS ISSUED as to Catherine O'Hagan Wolfe. (pne) (Entered: 05/07/2018)

05/04/2018 SUMMONS ISSUED as to Robert A. Katzmann. (pne) (Entered: 05/07/2018)

05/04/2018 SUMMONS ISSUED as to Dana Dowood. (pne) (Entered: 05/07/2018)

05/04/2018 Magistrate Judge Ona T. Wang 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:

C4

<http://nysd.uscourts.gov/forms.php>.
(pne) (Entered: 05/07/2018)

05/04/2018 Case Designated ECF. (pne)
(Entered: 05/07/2018)

05/18/2018 4 SUMMONS RETURNED
EXECUTED. Summons and
Complaint, served. Catherine
O'Hagan Wolfe served on 5/5/2018,
answer due 5/29/2018. Service was
made by Mail. Document filed by
The Church of Jesus Christ of
Latter-Day Saints, Servant: Xiu
Jian Sun, the Spiritual Adam. (sc)
(Entered: 05/18/2018)

05/18/2018 5 SUMMONS RETURNED
EXECUTED. Summons and
Complaint, served. Jon O. Newman
served on 5/5/2018, answer due
5/29/2018. Service was made by
Mail. Document filed by The
Church of Jesus Christ of
Latter-Day Saints, Servant: Xiu
Jian Sun, the Spiritual Adam. (sc)
(Entered: 05/18/2018)

05/18/2018 6 SUMMONS RETURNED
EXECUTED. Summons and

C5

Complaint, served. Robert A. Katzmann served on 5/5/2018, answer due 5/29/2018. Service was made by Mail. Document filed by The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam. (sc) (Entered: 05/18/2018)

05/18/2018 7 SUMMONS RETURNED EXECUTED (Affidavit of Mailing). Summons and Complaint, served. Dana Dowood served on 5/5/2018, answer due 5/29/2018. Service was made by Mail. Document filed by The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam. (sc) (Entered: 05/18/2018)

05/18/2018 8 SUMMONS RETURNED EXECUTED (Affidavit of Mailing). Summons and Complaint, served. Jose A. Cabranes served on 5/5/2018, answer due 5/29/2018. Service was made by Mailing. Document filed by The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam. (sc) (Entered:

05/18/2018)

05/21/2018

9 ORDER OF DISMISSAL:

Plaintiff Xiu Jian Sun brings this action pro se. Plaintiff paid the relevant filing fees to commence this action. The Court dismisses the complaint for the reasons set forth below. 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. 28 U.S.C. § 1915(e) (2)(B)(i). Plaintiff shall have thirty days to show cause by written declaration why an order should not be entered barring him from filing any future action in forma pauperis in this Court without prior permission. A declaration form is attached to this order. 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.

C7

(Signed by Judge Vernon S. Broderick on 5/21/2018) (ap)
(Entered: 05/21/2018)

05/21/2018 Transmission to Docket Assistant Clerk. Transmitted re: 9 Order of Dismissal to the Docket Assistant Clerk for case processing. (ap)
(Entered: 05/21/2018)

05/22/2018 Mailed a copy of 9 Order of Dismissal to The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam 54-25 153rd St. 2FL Flushing, NY 11355. (mhe)
(Entered: 05/22/2018)

05/29/2018 10 NOTICE OF APPEAL from 9 Order of Dismissal. Document filed by The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam. Filing fee \$ 505.00, receipt number 465401210218. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp)
(Entered: 05/30/2018)

05/30/2018 Transmission of Notice of Appeal

and Certified Copy of Docket Sheet to US Court of Appeals re: 10 Notice of Appeal. (tp) (Entered: 05/30/2018)

05/30/2018 Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 10 Notice of Appeal, filed by The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam were transmitted to the U.S. Court of Appeals. (tp) (Entered: 05/30/2018)

07/17/2018 11 MANDATE of USCA (Certified Copy) as to 10 Notice of Appeal, filed by The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam USCA Case Number 18-1640. 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

C9

Court's permission to appeal prior to filing the notice of appeal. IT IS HEREBY ORDERED that this case is dismissed effective June 22, 2018, unless a motion seeking leave of this Court is filed by that date. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 7/17/2018. (tp) (Entered: 07/18/2018)

07/18/2018 Transmission of USCA Mandate/Order to the District Judge re: 11 USCA Mandate. (tp) (Entered: 07/18/2018)

08/21/2018 12 BAR ORDER UNDER 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 bars Plaintiff from filing future civil actions in this Court without first obtaining from the Court permission for leave to file. See 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of

this Court. If Plaintiff violates this order and files an action without first filing a motion for leave to file, the Court will dismiss the action for failure to comply with this order. Plaintiff is further warned that the continued submission of frivolous documents may result in the imposition of additional sanctions, including monetary penalties. See *id.* The Clerk is directed to close this action. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED. (Signed by Judge Vernon S. Broderick on 8/21/2018)
(rro) Transmission to Docket Assistant Clerk for processing.
Transmission to Office of the Clerk of Court for processing. (Entered: 08/21/2018)

08/21/2018 13

CIVIL JUDGMENT: IT IS ORDERED, ADJUDGED AND DECREED that the complaint is

dismissed under 28 U.S.C. § 1915(e)(2)(B)(i). 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. SO ORDERED. (Signed by Judge Vernon S. Broderick on 8/21/2018) (rro) Transmission to Docket Assistant Clerk for processing. (Entered: 08/21/2018)

08/21/2018 Mailed a copy of 12 Order 13 Judgment, to The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam 54-25 153rd St. 2FL Flushing, NY 11355. (aea) (Entered: 08/21/2018)

PACER Service Center
Transaction Receipt
PACER Login: xiujiansun: Client Code:
Description: Docket Report
Search Criteria: 1:18-cv-04010- VSB
Billable Pages: 3 Cost: 0.30

https://ecf.nysd.uscourts.gov/cgi-bin/DktRpt.pl?132263191536721-L_1_0-1

C12

Case 1:18-cv-04010-VSB Document 1
Filed 05/04/18 Page 1 of 3

JUDGE BRODERICK **18-cv-4010**

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

X

THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, Civil Action No.
SERVANT: XIU JIAN SUN,
THE SPIRITUAL ADAM Apply for jury
Plaintiffs to prevent insult
v. and unfair behavior
The Pharisees Even Swallowed Up Camels:
JON O. NEWMAN, JOSÉ A. CABRANES,
CATHERINE O 'HAGAN FILED
WOLFE, ROBERT A. U.S. DISTRICT COURT
KATZMANN, DANA DOWOOD 2018 MAY 4
Defendants S.D. OF N.Y.

X

COMPLAINT

TO THE 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., Flushing, NY 11355.
- 2-1). At all times hereinafter mentioned, defendant, Pharisees: Jon O. Newman, located at 40 Foley Square, New York, NY 10007, 212-857-8627.
- 2-2). At all times hereinafter mentioned, defendant, Pharisees: José A. Cabranes, located at 40 Foley Square, New York, NY 10007, 212-857-8612.
- 2-3). At all times hereinafter mentioned, defendant, Pharisees: Catherine O 'Hagan Wolfe, located at 40 Foley Square, New York, NY 10007, 212-857-8541, 212-857-8561.
- 2-4). At all times hereinafter mentioned, defendant, Pharisees: Robert A. Katzmann, located at 40 Foley Square, New York, NY 10007, 212-857 8623.
- 2-5). At all times hereinafter mentioned, defendant, Pharisees: Dana Dowood, located at 40 Foley Square, New York, NY 10007, (212) 857-8500.
3. Jehovah, -the Lord God of host, sent the messenger through angel said to spiritual Adam: “the Pharisees even swallowed up camels.” 11/25/2017. (法利赛人连骆

驼都吞下去), (Docket #: 16-3557-cv)

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 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 appeal court day.

Dated: Queens, New York
May, 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

C16

Case 1:18-cv-04010-VSB Document 2 Filed
05/04/18 Page 1 of 2

JS 44C/SDNY **MAY 04 2018** **18-cv-4010**
REV. 06/01/17 **JUDGE BRODERICK**

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.

PLAINTIFFS

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

DEFENDANTS

Jon O. Newman, José A. Cabranes, Catherine O
'Hagan Wolfe, Robert A. Katzmann, Dana Dowood

**ATTORNEYS (FIRM NAME, ADDRESS, AND
TELEPHONE NUMBER)**

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

ATTORNEYS (IF KNOWN)

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)

Jehovah, -the Lord God of host, sent the messenger through angel said to spiritual Adam: "the Pharisees even swallowed up camels." 11/25/2017. (法利赛人连骆驼都吞下去).

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

- 110 Insurance
- 120 Marine
- 130 Miller Act

PERSOSAL INJURY

- 310 Airplane
- 315 Airplane
- Product Liability

- 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
- I95 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
- CIVIL RIGIITS
- 440 Other Civil Rights
- 441 Voting
- 442 Employment
- 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
- 368 Asbestos Personal Injury Product Liability
- PERSOSAL PROPERTY
- 370 Other Fraud
- 371 Truth in Lending

- 443 Housing / Accommodations
- 445 Americans with Disabilities-Employment
- 446 Americans with Disabilities-Other
- 448 Education
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability

FORFEITURE/PENALTY

- 625 Drug Related Seizure of Property
21 USC 881
- 690 Other
- 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 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 Medical Leave Act
- ___ 790 Other Labor Litigation

PRISONER PETITIONS

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

PRISONER CIVIL RIGHTS

C21

791 Empl Ret INC 550 Civil Rights
Security Act (ERISA) 555 Prison Condition
 560 Civil Detainee
 Conditions of
 Conf Inement

FEDKRAL TAX SUITS	IMMIGRATION
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 462 Naturalization Application
<input type="checkbox"/> 871 IRS-Third 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: 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

C23

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)

DEMIDCHK LAW FIRM, P.L.L.C.

Jon O. Newman, José A. Cabranes, Catherine O
‘Hagan Wolfe, Robert A. Katzmann, Dana Dowood
40 Foley Square, New York, NY 10007
(212) 857-8500

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 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 MAY 4 - 2018 PROSE INTAKE UNIT

SIGNATURE OF ATTORNEY OF RECORD
RECEIPT #

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 WANG is so Designated.

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

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Clear Form

Save

Print

Case 1:18-cv-04010-VSB	Document 4	Filed
	05/18/18	Page 1 of 3
Case 1:18-cv-04010-VSB	Document 5	Filed
	05/18/18	Page 1 of 3
Case 1:18-cv-04010-VSB	Document 6	Filed
	05/18/18	Page 1 of 3
Case 1:18-cv-04010-VSB	Document 7	Filed 05/18/18
		Page 1 of 3
Case 1:18-cv-04010-VSB	Document 8	Filed 05/18/18
		Page 1 of 3

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

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

The Church of Jesus Christ of
Latter-Day saints, Servant: Xiu Civil Action No.
Jian Sun, the spiritual Adam **18 CV 4010**
Plaintiff(s)

v.

The Pharisees Even Swallowed Up Camels:

JON O. NEWMAN, JOSÉ A.

CABRANES, CATHERINE **RECEIVED**
O 'HAGAN WOLFE, SDNY PRO SE OFFICE
ROBERT A. KATZMANN, 2018 MAY 18 PM 2:45
DANA DOWOOD S.D. OF N.Y.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) USDC SDNY

Jon O. Newman, José A. Cabranes, DOCUMENT
Catherine O 'Hagan Wolfe, ELECTRONICALLY
Robert A. Katzmann, Dana Dowood FILED
40 Foley Square, New York, NY 10007. DOC #:_____
(212) 857-8500 DATE FILED: 5/18/18

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, 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.

Date: MAY 04, 2018 RUBY J. KRAJICK
CLERK OF COURT
Signature of Clerk or Deputy Clerk

C27

Case 1:18-cv-04010-VSB Document 4
Filed 05/18/18 Page 3 of 3

Case 1:18-cv-04010-VSB Document 5
Filed 05/18/18 Page 3 of 3

Case 1:18-cv-04010-VSB Document 6
Filed 05/18/18 Page 3 of 3

Case 1:18-cv-04010-VSB Document 7
Filed 05/18/18 Page 3 of 3

Case 1:18-cv-04010-VSB Document 8
Filed 05/18/18 Page 3 of 3

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

X

THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, Civil Action No.
SERVANT: XIU JIAN SUN, **18-cv-4010**
THE SPIRITUAL ADAM
Plaintiffs

v.

The Pharisees Even Swallowed Up Camels:
JON O. NEWMAN, JOSÉ A. CABRANES,
CATHERINE O'HAGAN WOLFE,
ROBERT A. KATZMANN, DANA DOWOOD

Defendants

X

AFFIDAVIT OF MAILING

I hereby certify under penalty of perjury that on this 05th day of May, 2018, I caused to be placed in the U.S. Postal Service Certified and Return Receipt mail, copies of a "Complaint & Summons in a Civil Action" address as follows:

To: Jon O. Newman
40 Foley Square, New York, NY 10007

Robert A. Katzmann
40 Foley Square, New York, NY 10007

Dana Dowood
40 Foley Square, New York, NY 10007

JOSÉ A. CABRANES
40 Foley Square, New York, NY 10007

Catherine O 'Hagan Wolfe
40 Foley Square, New York, NY 10007

Dated: Queens, New York
May 05, 2018

Simon Chen

C29

Case 1:18-cv-04010-VSB Document 10
Filed 05/29/18 Page 3 of 3

Case 18-1640, Document 1, 05/30/2018, 2315668,
Page 3 of 6

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 29 day of May, 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: Jon O. Newman,
40 Foley Square, New York, NY 10007

JOSE A. CABRANES
40 Foley Square, New York, NY 10007

Catherine O'Hagan Wolfe
40 Foley Square, New York, NY 10007

Robert A. Katzmann
40 Foley Square, New York, NY 10007

Dana Dawood
40 Foley Square, New York, NY 10007

Dated: May 29, 2018

Simon Chen

C30

Case 1:18-cv-04010-VSB Document 11
Filed 07/17/18 Page 1 of 1

Case 18-1640, Document 14, 07/17/2018, 2347132,
Page 1 of 1

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

MANDATE

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 1st day of June, two thousand and eighteen.

1:18-cv-04010-VSB

The Church of Jesus Christ of Latter-Day Saints, S Xiu Jian
Sun, the Spiritual Adam, Petitioner,
v.

Jon O. Newman, The Pharisees USDC SDNY
even Swallowed Up Camels, Jose DOCUMENT
A. Cabranes, The Pharisees ELECTRONICALLY
Even Swallowed Up Camels, FILED
Catherine O'Hagan Wolfe, The DOC #:_____
Pharisees Even Swallowed DATE FILED:
Up Camels, Robert A. Katzmann, July 17, 2018
The Pharisees Even Swallowed

Up Camels, Dana Dowood, The
Pharisees Even Swallowed Up Camels,
Respondents.

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.

IT IS HEREBY ORDERED that this case is dismissed effective June 22, 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 07/17/2018

Case 1:18-cv-04010-VSB Document 12
Filed 08/21/18 Page 1 of 2

UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK

THE CHURCH OF JESUS 18-CV-4010 (VSB)
CHRIST OF LATTER-DAY
SAINTS, SERVANT: XIU BAR ORDER UNDER
JIAN SUN, THE SPIRITUAL 28 U.S.C. § 1651
ADAM,

Plaintiff,

-against- USDC SDNY
THE PHARISEES EVEN DOCUMENT
SWALLOWED UP CAMELS: ELECTRONICALLY
JON O. NEWMAN; JOSE A. FILED
CABRANES; CATHERINE O DOC #:_____
'HAGEN WOLFE; ROBERT A. DATE FILED:
KATZMANN; DANA DOWOOD, 8/21/2018

Defendants.

VERNON S. BRODERICK, United States District
Judge:

Plaintiff filed this action pro se. On May 21, 2018, the Court dismissed the action as frivolous, and noted that because of Plaintiff's history of filing frivolous actions, both the United States Court of Appeals for the Second Circuit 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

matters in those courts without having first obtained permission. See Sun v. Dillon, No. 16-3557 (2d Cir. Dec. 23, 2017), cert. denied, No. 17-1000 (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). This Court directed Plaintiff to show cause within thirty days why he should not be barred from filing further actions in this Court without prior permission. Plaintiff did not file a declaration, but instead filed a notice of appeal on May 29, 2018. (ECF No. 10.) By mandate issued July 17, 2018, the Second Circuit dismissed the appeal because Plaintiff failed to seek permission for leave to file. See No. 18-1640 (2d Cir. July 17, 2018).

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, and note service on the docket. The Court bars Plaintiff from filing future civil actions in this Court without first obtaining from the Court permission for leave to file. See 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this Court. If Plaintiff violates this order and files an action without first filing a motion for leave to file, the Court will dismiss the action for failure to comply with this order. Plaintiff is further warned that the continued submission of frivolous documents

C34

may result in the imposition of additional sanctions, including monetary penalties. See *id.* The Clerk is directed to close this action.

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

SO ORDERED.

Dated: August 21, 2018
New York, New York

Vernon S. Broderick
VERNON S. BRODERICK
United States District Judge

Case 1:18-cv-04010-VSB Document 13
Filed 08/21/18 Page 1 of 1

UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK

THE CHURCH OF JESUS 18-CV-4010 (VSB)
CHRIST OF LATTER-DAY
SAINTS, SERVANT: XIU BAR ORDER UNDER
JIAN SUN, THE SPIRITUAL 28 U.S.C. § 1651
ADAM,

Plaintiff,

-against- USDC SDNY
THE PHARISEES EVEN DOCUMENT
SWALLOWED UP CAMELS: ELECTRONICALLY
JON O. NEWMAN; JOSE A. FILED
CABRANES; CATHERINE O DOC #:_____
HAGEN WOLFE; ROBERT A. DATE FILED:
KATZMANN; DANA DOWOOD, 8/21/2018

Defendants.

Pursuant to the order issued May 21, 2018,
dismissing the complaint,

IT IS ORDERED, ADJUDGED AND DECREED
that the complaint is dismissed under 28 U.S.C. §
1915(e)(2)(B)(i).

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.

C36

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: August 21, 2018

New York, New York

Vernon S. Broderick
VERNON S. BRODERICK
United States District Judge