UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 17-2950

JEAN COULTER, Appellant
v.

CATHY BISSOON, District Judge; THEODORE A. MCKEE, Third Circuit Judge; ANTHONY J. SCIRICA, Third Circuit Judge; THOMAS MICHAEL HARDIMAN, Third Circuit Judge; JOSEPH A. GREENAWAY, JR., Third Circuit Judge; JULIO M. FUENTES, Third Circuit Judge; THOMAS IGNATIUS VANASKIE, Third Circuit Judge; MARIE MILIE JONES; JOY FLOWERS CONTI, District Judge; UNKNOWN EMPLOYEE IN THE CLERK'S OFFICE; RICHARD G. ANDREWS, District Judge

(W.D. Pa. No. 2-16-cv-01881)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, AMBRO, CHAGARES, JORDAN, SHWARTZ, KRAUSE, RESTREPO, and BIBAS, Circuit Judges, and NYGAARD and FISHER, Senior Circuit Judges*

The petition for rehearing filed by appellant in the above-captioned case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who

* The votes of Judges Nygaard and Fisher are limited to panel rehearing only.
concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc is denied.

By the Court,
s/ Stephanos Bibas
Circuit Judge

Dated: June 26, 2018

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
No. 17-2950

JEAN COULTER, Appellant
v.

CATHY BISSOON, District Judge; THEODORE A. MCKEE, Third Circuit Judge; ANTHONY J. SCIRICA, Third Circuit Judge; THOMAS MICHAEL HARDIMAN, Third Circuit Judge; JOSEPH A. GREENAWAY, JR., Third Circuit Judge; JULIO M. FUENTES, Third Circuit Judge; THOMAS IGNATIUS VANASKIE, Third Circuit Judge; MARIE MILIE JONES; JOY FLOWERS CONTI, District Judge; UNKNOWN EMPLOYEE IN THE CLERK'S OFFICE; RICHARD G. ANDREWS, District Judge

On Appeal from the United States District Court for the Western District of Pennsylvania (W.D. Pa. No. 2-16-cv-01881) District Judge: Richard G. Andrews

Submitted for Possible Summary Action Pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6 April 12, 2018

Before: BIBAS, NYGAARD and FISHER, Circuit Judges

(Opinion filed: April 13, 2018)

OPINION*

PER CURIAM

Jean Coulter appeals from an order of the District Court striking and dismissing her amended complaint. For the reasons that follow, we will summarily affirm.

Coulter has filed a series of unsuccessful federal civil rights complaints against the persons involved in the termination of her parental rights in state court and her criminal prosecution in state court. See generally Coulter v. Doerr, 486 F. App'x 227 (3d Cir. 2012); Coulter v. Ramsden, 510 F. App'x 100 (3d Cir. 2013); Coulter v. Butler Cty. Children & Youth Serv., 512 F. App'x 145 (3d Cir. 2013); Coulter v. Studeny, 522 F. App'x 147 (3d Cir. 2013); and Coulter v. Forrest, 606 F. App'x 634 (3d Cir. 2015).

On December 18, 2012, United States District Judge Cathy Bissoon determined Coulter to be a vexatious litigant and enjoined her "from filing any additional civil actions related to or arising from the state court proceedings involving her criminal conviction for assaulting her minor child, and/or subsequent termination of her parental rights," see

Coulter v. Ramsden, D.C. Civ. No. 12-cv-01050, and Coulter v. Mahood, D.C. Civ. No. 12-cv-01241. Coulter appealed and we summarily affirmed the District Court's orders. In a 2015 appeal, we noted that Coulter "had the opportunity to challenge [the vexatious litigant] order in earlier appeals, and in each appeal, we summarily affirmed the District Court's judgment." Coulter v. Lindsay, 622 F. App'x 187, 188 n.2 (3d Cir. 2015).

The instant appeal concerns another civil rights action filed by Coulter in the United States District Court for the Western District of Pennsylvania. In this most recent action, Coulter sued various district and circuit court judges, all of whom were involved in issuing rulings in one or more of her prior civil rights actions involving the termination of her parental rights and her criminal prosecution in state court. Coulter also sued Marie Milie Jones, an attorney for some of the defendants in the cases that led to the vexatious litigant injunction against Coulter. District Judge Richard G. Andrews of the United States District Court for the District of Delaware was designated and assigned to preside over the case pursuant to 28 U.S.C. § 292(b). Coulter was ordered to show cause why her case should not be dismissed. Coulter then filed a response to the show cause order, alleging that the new action was not related to the termination of her parental rights and her criminal prosecution, and an amended complaint, in which she added Judge Andrews as a defendant.

In an order entered on July 5, 2017, the District Court determined that Coulter's amended complaint was indeed related to the termination of her parental rights and her criminal prosecution and

should be stricken and dismissed. The District Court noted that the amended complaint alleged, among other things, that Judge Bissoon's vexatious litigant injunction was forbidden because it meant that her (Coulter's) cases were not randomly assigned; that attorney Jones filed a "Sealed Adoption Record" in federal court without notifying the Clerk's Office that the record was sealed by the state courts; all of the judicial defendants violated the Code of Judicial Conduct in connection with Judge Bissoon's injunction and attorney Jones' alleged misconduct; and Judge Bissoon released to the public information from the sealed adoption record. The District Court reasoned that the allegations against the judges, including Judge Bissoon, flowed directly from the litigation about the earlier state court proceedings and thus were plainly covered by the vexatious litigant injunction. In regard to attorney Jones, the document that Jones allegedly wrongfully disclosed was the state court's memorandum opinion terminating Coulter's parental rights. As found by the District Court, this memorandum opinion was at the heart of the state proceedings and many of the prior federal proceedings challenging the handling of the state proceedings, see, e.g., Coulter v. Doerr, 486 F. App'x 227. Thus, the allegations in the amended complaint against attorney Jones also were "related to" the state court proceedings and covered by the vexatious litigant injunction.

In the alternative, the District Court concluded that, even if the amended complaint were not struck, it would still fail under Fed. R. Civ. P. 8(a) and Fed. R. Civ. P. 12(b)(6). The Court reasoned, in pertinent part, that the judicial

defendants were absolutely immunized from suit, see Azubuko v. Royal, 443 F.3d 302, 303 (3d Cir. 2006) (per curiam), and that, with respect to the allegations against attorney Jones, Coulter was attempting, improperly, to relitigate a matter that had already been decided adversely to her in the prior cases. Moreover, Jones, an attorney in private practice, did not appear to be a state actor under 42 U.S.C. § 1983. Coulter appeals. The appellees have filed motions for summary affirmance, which Coulter opposes. Coulter has filed a motion to change venue, and motions to recuse Chief Circuit Judge D. Brooks Smith and Circuit Judges Theodore A. McKee, Thomas L. Ambro, Michael A. Chagares, Kent A. Jordan, Thomas M. Hardiman, Joseph A. Greenaway, Jr., Thomas I. Vanaskie, Patty Shwartz, Cheryl Ann Krause, L. Felipe Restrepo, Anthony J. Scirica, Robert E. Cowen, Jane R. Roth, and Julio M. Fuentes.

We will grant the appellees' motions and summarily affirm the order of the District Court because no substantial question is presented by this appeal, Third Circuit LAR 27.4 and I.O.P. 10.6. "[T]his Court has made clear that a pattern of groundless and vexatious litigation will justify an order prohibiting further filings without permission of the court." Chipps v. U.S. Dist. Court for the Middle Dist. of Pa., 882 F.2d 72, 73 (3d Cir. 1989) (citing Gagliardi v. McWilliams, 834 F.2d 81 (3d Cir. 1987)); In re: Oliver, 682 F.2d 443 (3d Cir. 1982)). Having reviewed the record and the submissions on appeal, we conclude that the District Court correctly held that Coulter's amended complaint was barred in its entirety by Judge Bissoon's vexatious litigant

order enjoining her from filing any more civil rights complaints against the persons involved in the termination of her parental rights and her criminal prosecution.

For the foregoing reasons, we will summarily affirm the order of the District Court striking and dismissing Coulter's amended complaint. Coulter's motion to change venue and ten motions to recuse are denied as moot because none of the judges she names in her motions has participated in this appeal.

This decision was unsigned

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEAN COULTER, Plaintiff,

v. Civil Action No. 16-1881

HONORABLE CATHY BISSOON, et al.,

Defendants.

ORDER

This 5 day of July 2017, on the basis of the accompanying Memorandum, IT IS HEREBY ORDERED that:

1. Plaintiff's Complaint and Amended Complaint have been filed in violation of the Court's December 18, 2012 Order, filed in Civil Action Nos. 12-1050 (D.I. 33) and 12-1241 (D.I. 20), and are therefore DISMISSED WITH PREJUDICE;

2. In the alternative, the Complaint and Amended Complaint are frivolous and malicious, and do not state any cognizable claims. Amendment would be futile. They are therefore DISMISSED WITH PREJUDICE.

3. The Clerk of the Court is directed to CLOSE THE CASE.

Richard G. Andrews .
United States District Judge
(Sitting by Designation)

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Jean Coulter, Plaintiff

v. Civil Action No. 16-1881-RGA

HONORABLE CATHY BISSOON, et al.,
Defendants.

MEMORANDUM

The above-captioned case, filed December 19, 2016, has been assigned to the undersigned. (D.I. 3-1). The case was stayed on January 9, 2017, so that the "vexatious litigant" procedure established by an order of Judge Bissoon in Coulter v. Ramsden, Civ. Act. No. 12-1050, D.I. 33 (W.D. Pa. Dec. 18, 2012), and Coulter v. Mahood, Civ. Act. No. 12-1241, D.I. 20 (W.D. Pa. Dec. 18, 2012), could be followed. In relevant part, the order prohibits Plaintiff "from filing any additional civil actions related to or arising from the state court proceedings involving her criminal conviction for assaulting her minor child, and/or the subsequent termination of her parental rights." (Id. at p.6). The order was affirmed by the Third Circuit on August 1, 2013. (Case No. 13-1077). On February 8, 2017, I directed Plaintiff to show cause why this case should not be dismissed. (D.I. 4). On February 28, 2017, Plaintiff filed a Response to the order to show cause (D.I. 5) and an amended complaint.[1] (D.I. 6). In the Response, Plaintiff alleges that I have "join[ed] into the Civil and Criminal

Conspiracies of [my] 'brethren.'" In the amended

1 The amended complaint expands upon the allegations of the complaint. Therefore, I treat the amended complaint as having superseded the complaint, and only discuss the amended complaint.

complaint, Plaintiff added me as a defendant.[2]

The general background was previously summarized by the Court of Appeals:

> Coulter pleaded nolo contendere to one count of aggravated assault on May 11, 2007 in the Butler County Court of Common Pleas .... The victim of the assault was Coulter's minor daughter. Coulter was sentenced by Judge William Shaffer to a term of imprisonment of 15-30 months. As a special condition of her probation, Coulter was precluded by Judge Shaffer from having any contact with her daughter. Coulter's parental rights were terminated on January 11, 2011 following a hearing in Orphans Court presided over by Judge Thomas Doerr .... Coulter was released from prison on January 25, 2010,

2 Ordinarily, when a judge is assigned to a case in which he has been named as a party, the judge would recuse himself sua sponte pursuant to 28 U.S.C. § 455, which requires a judge to recuse himself from "any proceeding in which his impartiality might be reasonably questioned" or when he is "a party to the proceeding." 28 U.S.C. § 455(a) & (b)(5)(i). In this case, however, I was assigned to the case, and then named as a party. Disqualification is not required when the litigant baselessly sues or threatens to sue the judge. See In re Hipp, Inc., 5 F.3d 109 (5th Cir.1993); United States v. Grismore, 564 F.2d 929 (10th Cir. 1977). It is well established that the actions of a judge in pending or previous litigations are not grounds for disqualification, Youn v. Track, Inc., 324 F.3d 409, 423 (6th Cir.

2003), and "[t]here is as much obligation upon a judge not to recuse himself when there is no occasion as there is for him to do so when there is." Easley v. Univ. of Mich. Bd. of Regents, 853 F.2d 1351, 1356 (6th Cir. 1988) (alteration in original) (citation omitted). Thus, I have considered the question of recusal sua sponte, but I am convinced that there is no basis for me recusing myself, and, therefore, I do not do so.

> after serving her maximum sentence, and began serving her term of probation .. . . [H]er probation [was set to] expire[] on or about January 25, 2013.

Coulter v. Studeny, 522 F. App'x 147, 148 n.1 (3d Cir. 2013).

In the order to show cause, I wrote, "This case appears to fall within the ambit of the prior order, as it appears to be completely based on allegations about how Plaintiffs previous litigation was handled." Plaintiff responds that the case is not within the scope of the prior order, because the instant case "is in no way 'related to' any State Court Case, either past or present." (D.I. 5_p.3). Plaintiff cites "the Western District's own paper-work" as defining what is a related civil case. (Id.). She says the instant case is not related because it involves different parties, different time frames, and different locations.

In reviewing the eight cases that led to the vexatious litigant order, I note that they were filed between September 19, 2011, and October 10, 2012. The Defendants in those cases were judges, law firms, lawyers, bar associations, prosecutors, probation and parole officers, and youth services workers. Judge Bissoon summarized these cases as "appear[ing] connected with state court proceedings involving Plaintiffs criminal conviction for assaulting her minor child, and/or the subsequent termination

of her parental rights." Coulter v. Ramsden, Civil Action No. 12-1050, D.I. 33, at 4 (W.D. Pa. Dec. 18, 2012). I note that attorney Marie Milie Jones was counsel for some defendants in at least four of the eight cases. (W.D. Pa. Nos. 12-60, 12-338, 12-1050, 12-1241).

Defendants in this case are three district judges, six Third Circuit judges, attorney Jones, and an unknown Clerk's Office employee. Notwithstanding the eleven Defendants, the allegations center on attorney Jones and Judge Bissoon. The amended complaint makes a number of factual allegations: (1) Judge Bissoon's vexatious litigant order is forbidden because it means that Plaintiff's cases are not randomly assigned (D.I. 6 at pp. 5-7)[3]; (2) Judge Bissoon's order was complied with by some individual in the Clerk's Office (id. at pp. 7-8); (3) at some time before December 2012, in an unnamed case, attorney Jones filed a "Sealed Adoption Record from the State Courts, without providing notification to the Federal Court's Clerk that the document must remain sealed by State Law" (id. at p. 8); (4) all of the judicial officers violated the Canons of the Judicial Code of Conduct 3.B.(5)[4] by not reporting Judge Bissoon's and attorney Jones' misconduct (id. at pp. 10, 11-12, 14-17); and (5) Judge Bissoon released some information from the "Sealed Adoption Record" in her December 18, 2012 order (id. at pp. 10, 11).

Pretty clearly, Plaintiff is the prototype of a vexatious litigant, and this lawsuit fits the pattern. Most of the Defendants are the federal judges who ruled against her in her earlier vexatious litigation, who are now sued on the theory that what they learned while judging her cases created

disclosure obligations on them. She made a

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3 In a 2015 appeal, the Court of Appeals noted that Coulter "had the opportunity to challenge [the vexatious litigant] order in earlier appeals, and, in each appeal, we summarily affirmed the District Court's judgment." *Coulter v. Lindsay*, 622 F. App'x 187, 188 n.2 (3d Cir. 2015).

complaint to Judge McKee, he denied it, and she sues him. The Third Circuit affirmed the "vexatious litigant order," and Plaintiff now attacks the order on a different ground. The Sealed Adoption Order is not only clearly "related to" the earlier proceedings, the claim that it was improperly placed in the record has been repeatedly alleged.

Plaintiffs complaint is "related to" the earlier state court proceedings, as it challenges the actions of the participants in the federal litigation about the earlier state court proceedings. In particular, in regard to attorney Jones, the allegations against her are that she publicly filed a document, which should have been filed under seal. Although Plaintiff does not identify which document exactly this is supposed to be, it appears to be a memorandum opinion terminating Plaintiffs parental rights. It was at the heart of the state proceedings. Its use in the federal proceedings challenging the handling of the state proceedings is "related to" the state court proceedings. Thus, the allegations against attorney Jones and the unnamed Clerk's Office employee, per the vexatious litigant order, will be struck from the record. In my opinion, since all of the complaints against the judges are complaints that directly flow from the litigation about the earlier state court proceedings, I believe that they are properly struck also.

Every Court has the inherent authority to manage the cases on its docket "with economy

4 Canon 3.B.(5) states: "A judge should take appropriate action upon learning ofreliable evidence indicating the likelihood that a judge's conduct contravened this Code or a lawyer violated applicable rules of professional conduct."

of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." Landis v. N Am. Co., 299 U.S. 248, 254-55 (1936). "[D]istrict courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases". Dietz v. Bouldin, 579 U.S._, 136 S.Ct. 1885, 1892 (2016). Finally, the Court has broad discretion in deciding whether to dismiss an action with prejudice pursuant to its inherent authority to manage its docket. See Lee v. Krieg, 227 F. App'x 146, 148 (3d Cir. 2007) ("We reiterate that the court has broad discretion in deciding whether to dismiss an action with prejudice under Rule 41 (b) or pursuant to its inherent authority to manage its docket."); see Sharkey v. Verizon New Jersey, Inc., 2014 WL 7336768, at *1 (D.N.J. Dec. 22, 2014) (due to the Court's inherent authority to manage its docket, the Court sua sponte dismisses Count Two of Plaintiffs Complaint).

Because Plaintiff proceeds *pro se*, her pleading is liberally construed and her complaint, "however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007) (citations omitted). Under Fed. R. Civ. P. 8(a), a complaint must

contain: "(1) a short and plain statement of the grounds for the court's jurisdiction ... (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types ofrelief.". Fed. R. Civ. P. 8(a). A well-pleaded complaint must contain more than mere labels and conclusions. See Ashcroft v. Iqbal, 556. U.S. 662 (2009); Bell At/. Corp. v. Twombly, 550 U.S. 544 (2007). In addition, a plaintiff must plead facts sufficient to show that a claim has substantive plausibility. See Johnson v. City of Shelby, _U.S._, 135 S.Ct. 346, 347 (2014).

When reviewing the sufficiency of a complaint, a court should follow a three-step process: (1) consider the elements necessary to state a claim; (2) identify allegations that are merely conclusions and therefore are not well-pleaded factual allegations; and (3) accept any well-pleaded factual allegations as true and determine whether they plausibly state a claim. See Connelly v. Lane Constr. Corp., 809 F.3d 780, 787 (3d Cir. 2016); Williams v. BASF Catalysts LLC, 765 F.3d 306, 315 (3d Cir. 2014). Deciding whether a claim is plausible will be a "context specific task that requires the reviewing court to draw on its judicial experience and common sense." Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009).

Assuming for the sake of argument that the amended complaint were not struck, it would still fail. It is frivolous and, indeed, malicious. Nine of the ten named defendants are judges, and the acts complained of are judicial acts. Since "[a] judicial officer in the performance of his duties has absolute immunity from suit and will not be liable for his judicial acts," Azubuko v. Royal, 443 F.3d 302, 303

(3d Cir. 2006), the judicial Defendants are immune from suit and are not properly named as Defendants. Plaintiff argues that she is suing over administrative decisions, not judicial rulings, and that judges' administrative decisions are not judicial acts. The law is not so fine. Issuing opinions, assigning cases, reviewing (and denying) misconduct complaints, see 28 U.S.C. § 352, and reporting (or not reporting) lawyers and/or other judges for lack of compliance with the rules are decisions made in the performance of the judge's duties. Thus, in the alternative, all the judicial Defendants will be dismissed based on immunity from suit.

Plaintiff alleges that attorney Jones filed the "Sealed Adoption Record" without properly requesting that it be sealed. Plaintiff does not point out in which case, and when, Jones is supposed to have done this. The only hint as to what Plaintiff is talking about by referring to the "Sealed Adoption Record" is that Judge Bissoon is supposed to have referred to it in her December 18, 2012 order. The order only refers to two things that could possibly be encompassed by the "Sealed Adoption Record." It is pretty clear that what Plaintiff is referring to is a "Memorandum Opinion," issued by Judge Doerr, which terminated her parental rights.

Plaintiff had herself revealed the termination of parental rights in the very first pleading she filed in this series of federal court cases, when she referred to her child's testimony "in relation to the subsequent Termination of Parental rights." (Coulter v. Doerr, No. 11-1201, D.I. 1 (W.D. Pa. Sept. 19, 2011). The Court can take judicial notice of the public record, which includes court records. See Lum v. Bank of America, 361 F.3d 217, 221-22 n.3 (3d Cir.

2004). In her suit against Judge Doerr, his attorney (who was not attorney Jones) publicly filed the Memorandum Opinion in connection with a motion to dismiss on January 5, 2012. Coulter v. Doerr, Civil Action No. 11-1201, D.I. 17-1 (W.D. Pa. Jan. 5, 2012). Plaintiff objected to its filing for numerous reasons, including that it was, "[b Jarred from introduction by Pennsylvania and Federal Rules of Court and Statute," and that it was "a self-serving, unverified, unsworn series of fabrications." (Id., D.I. 21, p.3). After the assigned Magistrate Judge issued a Report and Recommendation, Plaintiff made numerous objections, including that the Memorandum Opinion's contents were "prohibited from introduction by both Pennsylvania Statute and Case Law." (Id., D.I. 23, p.15). Her objections were overruled; and an appeal followed, with summary affirmance being granted on May 30, 2012. (Ct. App. No. 12-1864). In separate litigation, in Coulter v. Butler County Children & Youth Services, No. 12-338, attorney Jones publicly filed the same Memorandum Opinion on June 18, 2012. (See D.I. 22-2). Plaintiff responded with a motion to strike, stating that the evidence was "specifically prohibited from introduction by Federal Rules of Evidence, Rule 41 O." (D.I. 27, p.2). The motion was denied; the case was later dismissed; and the dismissal was affirmed.

Plaintiff has lost her argument against the filing of the Memorandum Opinion at least twice already. Thus, renewing it in the complaint against attorney Jones is repetitive and baseless. As the Court of Appeals noted in Coulter v. Lindsay, "in previous cases [Coulter] had made 'strenuous objections' to the District Court's use of certain facts in the public record, and that she had argued in

those cases that the records should have been under seal and were therefore not 'public.' ... Coulter was attempting to relitigate issues decided in a previous case." 622 F. App'x 187, 189 (3d Cir. 2015). It further described "Coulter's ... motion for 'special relief,' seeking to have the District Court seal an 'adoption record' that she alleges is part of the District Court record in previous cases." Id. at n.3. The complaint against attorney Jones is therefore frivolous and malicious.

Finally, Jones does not appear to be a state actor as is required to state a claim under 42 U.S.C. § 1983. She is an attorney in private practice who represented defendants in a number of the cases. Because attorney Jones is not a state actor, the § 1983 claim fails against her as a matter of law.

With regard to the supplemental claims raised against Jones under Pennsylvania law, the court notes that 12 Pa. C.S.A. § 2910 is a criminal statute that does not provide for a private cause of action. The other two statutes Coulter relies upon, 23 Pa. C.S.A. § 2915 and § 2931, to the extent they both provide for a private cause of action, and that is far from clear, are both barred by Pennsylvania's two-year limitations period. See 42 Pa. C.S.A. § 5524(7) ("the following action must be commenced in two years ... (7) Any other action or proceeding to recover damages for injury to person or property which is founded on negligent, intentional, or otherwise tortious conduct ... "). The Memorandum Opinion was filed about four and a half years before this suit was filed. Coulter knew about it at the time. She complained about it at the time. It is therefore more than two years too late to complain about it in

this lawsuit. The claims raised against Jones are therefore frivolous.

The allegation that a District Court Clerk's Office employee complied with a federal judge's order provides no factual basis legally sufficient to support a section 1983 claim (which requires a state actor), see West v. Atkins, 487 U.S. 42, 48 (1988), or any of the other torts alleged by Plaintiff. To the extent that Coulter complains about this defendant's conduct in complying with a federal judge's order, "any public official acting pursuant to court directive is[] immune from suit." Lockhart v. Hoenstine, 411 F.2d 455, 460 (3d Cir. 1969); see also Catanzaro v. Davis,_ F. App'x_, 2017 WL 13273274 (3d Cir. Apr. 13, 2017). The District Court Clerk's Office employee is absolutely immune from suit. The District Court Clerk's Office employee will be dismissed as no claim has been, or can conceivably be, stated against that individual. Attempting to sue the Clerk's Office employee is frivolous and malicious.

Coulter refers to numerous federal criminal statutes in the Amended Complaint. To the extent she seeks to impose criminal liability upon the Defendants pursuant to the criminal statutes upon which she relies, she lacks standing to proceed. See Allen v. Administrative Office of Pennsylvania Courts, 270 F. App'x 149, 150 (3d Cir. 2008); see United States v. Friedland, 83 F.3d 1531, 1539 (3d Cir. 1996) ("[T]he United States Attorney is responsible for the prosecution of all criminal cases within his or her district."). The decision of whether to prosecute, and what criminal charges to bring, generally rests with the prosecutor. See United States v. Batchelder, 442 U.S. 114, 124 (1979). The criminal claims are frivolous and malicious.

For the reasons stated, the Amended Complaint will be struck, that is, dismissed with prejudice. In the alternative, all claims against all Defendants will be dismissed as frivolous and malicious. Amendment of the complaint would be futile.

A separate order will be entered.

Richard G. Andrews
United States District Judge
(Sitting by Designation)

Dated: July 5, 2017

IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

JEAN COULTER, Appellant

v. Case No. : 17-2950

CATHY BISSOON, et. al., Appellees

RESPONSE TO APPELLEES' MOTION FOR SUMMARY ACTION AND APPLICATION FOR STAY

NOW COMES, Appellant, JEAN COULTER ("Coulter"), and files Response To Appellees' Motion for Summary Actions and Application for Stay, asking This Honorable Court to deny the request for Summary Action and lift the Stay imposed by the Clerk. In support of this request, Coulter states :

1.) Appellees' Motion for Summary Actions and Application for Stay was mailed to Appellant Coulter on January 11, 2017, and electronically filed in the court on that same date.

2.) The Appellees include six (6) Judges regularly assigned to the Third Circuit Court of

Appeals, as well as two (2) Judges who are regularly assigned to the Western District of Pennsylvania.

3.) In their Motion, Appellees argue that all of the Judicial Appellees are immune, on the basis of "Absolute Judicial Immunity", simply because the information which they are required to report to appropriate authorities was uncovered during the course of the performance of their official duties.

a.) One (1) of the six (6) Judges from the Third Circuit Court, Judge McKee, is being sued for actions which were taken when McKee was serving as the Chief Judge of the Circuit, and McKee was reviewing a Complaint of Judicial Misconduct or Disability which described Judge Bissoon's criminal activities which injured Coulter. Rather than reporting the crimes which had been committed by Bissoon, which were proven by the Complaint of Judicial Misconduct, McKee chose to **conceal the felony by District Court Judge Bissoon, rather than report the crime.**

b.) Judge Joy Flowers Conti is one (1) of the two (2) Judges from the District Court, who is being sued for her actions. Conti was serving as Chief Judge of the District, when she was erroneously sent the Complaint of Judicial Misconduct or Disability, which described Judge Bissoon's criminal activities which injured Coulter. District Judge Conti chose to pretend that she had never received the Complaint, and rather then reporting the crime which was proven by the Complaint of Judicial Misconduct, Conti chose instead to **conceal the felony by District Court Judge Bissoon, rather than report the crime.**

c.) The remaining five (5) Judicial Appellees served on the Panels which decided two (2) separate appeals :

(*i.*) the appeal of an Order produced by District Judge Bissoon or

(*ii.*) the appeal of a subsequent case which was dismissed based exclusively on the Order from the earlier case which restricted Coulter's access to the federal courts.

All five (5) of the Appellate Panels chose to **conceal the felony by District Court Judge Bissoon, rather than report the crime**, rather than reporting Bissoon's criminal actions.

4.) As was explained by the United States Supreme Court in ex parte Virginia, 100 US 339 - Supreme Court 1880, it is the "character" of the action, rather than the "character of the agent", which determines whether Absolute Immunity applies :

> " It was insisted during the argument on behalf of the petitioner that Congress cannot punish a State judge for his official acts; and it was assumed that Judge Cole, in selecting the jury as he did, was performing a judicial act. This assumption cannot be admitted. Whether the act done by him was judicial or not is to be determined by its character, and not by the character of the agent. Whether he was a county judge or not is of no importance. The duty of selecting jurors might as well have been committed to a private person as to one holding the office of a judge. It often is given to county commissioners, or supervisors, or assessors. In former times, the selection was made by the sheriff. In such cases, it surely is not a judicial act, in any such sense as is contended for here."

5.) Similarly in Forrester v. White, 484 US 219 - Supreme Court 1988, the Supreme Court again explained that the Defendant Judge, was not immune because the actions alleged in the Complaint were not "activities implicating the substance of their decisions in the cases before them" :

> " A divided panel of the Court of Appeals for the Seventh Circuit affirmed the grant of summary judgment. The majority reasoned that judges are immune for activities implicating the substance of their decisions in the cases before them, although they are not shielded "from the trials of life generally." 792 F. 2d 647, 652 (1986)."

6.) **Forrester** continues explaining, that, in determining whether Judicial Immunity applies, it is necessary to "examine the nature of the functions with which a particular official or class of officials has been lawfully entrusted, and we seek to evaluate the effect that exposure to particular forms of liability would likely have on the appropriate exercise of those functions."

7.) In their Motion for Summary Action, the Appellees have made no attempt to explain how the decision by the Judicial Appellees to **conceal the felony by District Court Judge Bissoon, rather than report the crime**. might possibly be considered to have a chilling effect on their "appropriate exercise of those functions"

8.) In the decision for **BS v. Somerset County**, 704 F. 3d 250 - Court of Appeals, 3rd Circuit 2013 The Third Circuit has cited the decision in Forrester in order to explain idea that Immunity should not be extended to include the particular

circumstances present in either that case – or in the Instant Matter :

> "Officials who seek exemption from personal liability have the burden of showing that such an exemption in justified by overriding considerations of public policy, and the Court has recognized a category of "qualified" immunity that avoids unnecessarily extending the scope of the traditional concept of absolute immunity. See, e. g., Scheuer v. Rhodes, 416 U. S. 232 (1974); Butz v. Economou, 438 U. S. 478 (1978); Harlow v. Fitzgerald, 457 U. S. 800 (1982)."

9.) **BS v. Somerset County** explains that the Jurist who seeks expansion of the scope of activities to which Immunity applies, must overcome a presumption that Absolute Immunity is **not** applicable, unless the official wishing to invoke absolute immunity meets the "heavy burden of establishing entitlement" :

> "Still, absolute immunity is "strong medicine, justified only when the danger of [officials' being] deflect[ed from the effective performance of their duties] is very 262 great." Forrester v. White, 484 U.S. 219, 230, 108 S.Ct. 538, 98 L.Ed.2d 555 (1988) (alterations in original) (citation and internal quotation marks omitted). Moreover, officials who "seek exemption from personal liability" on that basis bear "the burden of showing that such an exemption is justified by overriding considerations of public policy." Id. at 224, 108 S.Ct. 538. Thus, "[i]n light of the Supreme Court's `quite sparing' recognition of absolute

immunity..., ***we begin with [a] presumption that qualified rather than absolute immunity is appropriate," unless the official invoking absolute immunity meets a "heavy burden of establishing entitlement" to it.*** Odd v. Malone, 538 F.3d 202, 207-08 (3d Cir.2008) (citation omitted).

10.) In addition to Appellees' failure to overcome the burden of expanding the scope of Absolute Immunity, Appellee's fail to even attempt to argue, in any manner, how their decision to **conceal a felony**, could possibly be considered to be an action which is generally performed by a Judge. **Indeed, every day, there are numerous instances where an individual choses to conceal a felony - and, I can't imagine that Appellees would even attempt to argue that the number of occasions when that concealment is "performed" by a Judge, somehow dwarfs the number of occasions, each day, when that act is committed instead by a member of the public!**

WHEREFORE, Coulter requests This Honorable Court Deny Appellees' Motion for Summary Action and, also Order the Appeal transferred out of the Third Circuit for determination.

Respectfully Submitted,

Jean Coulter, Appellant

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

JEAN COULTER, Pro Se Plaintiff

v. Case No.: 16-cv-1881

DISTRICT JUDGE CATHY BISSOON, THIRD CIRCUIT JUDGE THEODORE A, MCKEE, THIRD CIRCUIT JUDGE ANTHONY J. SCIRICA, THIRD CIRCUIT JUDGE THOMAS MICHAEL HARDIMAN, THIRD CIRCUIT JUDGE JOSEPH A. GREENAWAY JR., THIRD CIRCUIT JUDGE JULIO M. FUENTES, THIRD CIRCUIT JUDGE THOMAS IGNATIUS VANASKIE, MARIE MILIE JONES, DISTRICT JUDGE JOY FLOWERS CONTI, UNKNOWN EMPLOYEE IN THE CLERK'S OFFICE, and DISTRICT JUDGE RICHARD G. ANDREWS,

Defendants

RESPONSE TO
SUA SPONTE SHOW CAUSE ORDER

NOW COMES Pro Se Plaintiff, Jean Coulter and files Response To Sua Sponte Show Cause Order, to address issues raised exclusively by the District Court, outside of the Court's adjudicatory role. Although Coulter has filed Amended Complaint, as is her Right, in order to respond to the unsolicited and likely undisputed issues raised by This Court, Coulter is now filing her Response to the Show Cause Order required with respect to the original Complaint filed in this case.

Introduction

The Court has chosen to expand upon the role for which it was initially selected, namely to determine whether or not Coulter's Complaint is forbidden by the Order of Court issued on December 18, 2012 (by Defendant District Judge Cathy Bissoon) - or if Defendants can successfully argue some other basis for dismissal of this Civil Complaint. As it is readily evident that the Complaint in no manner offends that Order (the issuance of which constitutes numerous crimes including violations of 18 U.S. Code Sections 241 and 242 - Conspiracy to Violate Rights (a Felony) and Color of Law Violation of Rights), it appears that This Court has chosen to expand upon the December 2012 Order as well as join into the Civil and Criminal Conspiracies of his "brethren".

Argument

1.) The December 18, 2012 Order has two relevant sections. First, is the prohibition against "filing any additional civil actions related to or arising from the state court proceedings" concerning two separate and distinct proceedings in the Pennsylvania Courts. The second relevant section, constitutes the commission of numerous crimes by Defendant Bissoon, crimes which her "brethren" chose to join, as part of the sanctity of the "Secret Handshake".

However, This Court has found it necessary to expand upon the wording of that 2012 Order, stating "... This case appears to fall within the ambit of the "vexatious litigant" order, as the complaint appears to be completely based on allegations about how Plaintiffs previous litigation was handled.". It is readily apparent that this "erroneous" determination was produced, exclusively, in order to permit This

Court to encompass significantly more "territory" than was specified by Defendant Bissoon (and later ratified by Defendants Scirica, Hardiman and Greenaway) - in order to provide some possible justification for the Court to thus "assist" these Federal Court Judges from escaping responsibility for their crimes.

A.) Clearly, the Instant Matter is in no way "related to" any State Court Case, either past or present. Indeed, other than Plaintiff Jean Coulter herself, none of the Parties to the Instant Matter were ever Parties to any Matter in the Pennsylvania Courts, where Coulter was a Party - or even acted as Counsel in either of the cases mentioned in the December 2012 Order. Further, the meaning of "related cases" as defined in the Western District's own paper-work, eliminates entirely any possible finding of this case being "related to" any earlier case:

> "DEFINITIONS OF RELATED CASES:
> CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another ..."

Clearly the Instant Matter does not involve the "same issues of fact", as the facts which comprise the basis for the Claims in this case, do not involve any of the same Parties (other than Coulter), occurred at dates years apart, and in different locations, and the specific facts which caused the damages in each case are unrelated as well. The "transactions" are not the same, as they too involve completely different

individuals (other than Coulter), and occurred at dates years apart, and in different locations. And this case, in no manner, involves a patent.

B.) Similarly, it is patently obvious that the Instant Matter does not "arise from" the enumerated cases. The meaning of "arises from", is that of "causation", or as defined by Meriam Webster :

intransitive verb

1a : to begin to occur or to exist

b : to originate from a source

And indeed, The Court has never even attempted to justify any assertion that the Instant Matter "arises from" an earlier State Court Case - as it is beyond fantasy to even attempt to find any manner in which the Instant Case might have been "caused by" the cases enumerated in Defendant Bissoon's December 2012 Order (or indeed any State Court case). Further, This Court (acting as Unofficial Counsel for all Defendants) has failed to state any possible basis for even possibly asserting that the "cause" of the claims against these Federal Jurists "originated" in the State Court Proceedings enumerated in the December 2012 Order (or indeed any State Court case).

The Court has attempted to expand upon the carefully selected wording of Defendant Bissoon's Order, in order to encompass something which might actually be found to exist. However, Case Law from the Federal Courts explains that a Vexatious Litigant Order must be tailored to address the specific purposes noted by Defendant Bissoon. However, This Court's expansion exceeds the restrictions placed by Defendant Bissoon, and thus is inappropriate. As explained in Gagliardi v.

McWilliams, 834 F. 2d 81 - Court of Appeals, 3rd Circuit 1987 :

> "if any such injunction is deemed appropriate, ***it should be limited to the preclusion of future lawsuits arising out of the same matters that were the subject of the seven dismissed actions.***" (emphasis added)

Or, as described in Procup v. Strickland, 792 F. 2d 1069 - Court of Appeals, 11th Circuit 1986 (a case cited in the decision for Gagliardi) , it must "observe the fine line between legitimate restraints and impermissible restriction" :

> "An absolute bar against a prisoner filing any suit in federal court would be patently unconstitutional. We, therefore, vacate the injunction and remand for consideration of such modification as will, as much as possible, achieve the desired purposes without encroaching on Procup's constitutional right to court access."
>
> ...
>
> In devising methods to attain the objective of curtailing the activity of such a prisoner, however, courts must carefully observe the fine line between legitimate restraints and an impermissible restriction on a prisoner's constitutional right of access to the courts. Various courts have employed and approved a variety of injunctive devices.

And from Cotner v. Hopkins, 795 F. 2d 900 - Court of Appeals, 10th Circuit 1986, using the phrases utilized by Defendant Bissoon, any restriction must be "carefully tailored ... to address"

the specific behavior noted by Defendant Bissoon in 2012 :

> "Here, the district court required that plaintiff meet the following preconditions before filing future actions: (1) he must carry a stronger burden of proof that he is economically unable to pay filing fees; (2) he must demonstrate to the court that his action is commenced in good faith and not malicious or "without arguable merit"; (3) his pleadings must be certified as provided by Fed. R. Civ. P. 11; (4) he must include in every complaint filed a list of every previous action filed; and (5) he must send all pleadings to the defendants and provide the court with proof of service. These preconditions are clearly the type of carefully tailored restrictions contemplated by the various courts that have addressed the question of restraints on abusive litigants. See In re Green, supra (litigant required to certify that claims advanced have never been raised before); Green v. White, 616 903*903 F.2d 1054, 1055 (8th Cir.1980) (litigant required to list all causes previously filed on same, similar, or related actions); Graham v. Riddle, 554 F.2d 133, 134-35 (4th Cir.1977) (prefiling review and denial of leave to file in forma pauperis except upon a showing of good cause). Thus, the restrictions imposed were appropriate."

Conclusion

This Court wishes essentially, to have imposed now (more than 4 years after-the-fact) new conditions upon Coulter's access to the Federal Courts.

However, This Court has made no attempt to explain how this might be appropriate (essentially subjecting Coulter to retroactive-double-jeopardy), or why anyone should conclude that this new "Condition" would have been found to be acceptable by the Appellate Panel in December 2012. But, there is no need to answer these questions, as This Court is bound by the Order which exists in this case, not one which This Court wishes were available to it.

Case Law states that the restrictions for a Vexatious Litigant Order", must be carefully tailored in order to assure that only the "problematic" activities are restricted. So, it is axiomatic that This Court is restrained from adding its own restrictions at this time, particularly when its sole purpose is to permit This Court to Strike the Complaint against its "brethren".

It is also obvious that This Court has chosen to overlook the second section of the December 2012 Order - for the same reason that the other Defendants chose to ignore that portion of Defendant Bissoon's Order. That being that This Court is obligated to report Defendant Bissoon's criminal actions, just as all of the named Defendants are and were obligated to do so, pursuant to Canon 3B (5) of the Code of Conduct for Federal Judges.

2.) I will begin my discussion of the merits of the case, with a discussion of the injuries related to the criminal release of Sealed Adoption Records by Defendant Marie Milie Jones with the assistance of Defendant Cathy Bissoon (actions which also constitute federal Crimes, including at least one Felony).

> "The ninth named defendant is a lawyer who is alleged to have filed a document – the

"Sealed Adoption Record" - in one of the earlier litigations, and who is also described as a "colleague" of Judge Bissoon. The complaint appears to allege no wrongdoing against the lawyer, and thus the complaint does not appear to state any claim against her. ..."

As more thoroughly explained in the Amended Complaint, it is readily evident that Attorney Jones committed a State Crime when she illegally released Sealed Adoption Records into the open records of the Federal Court. Further it is readily evident that Defendant Jones required the "cooperation" of her colleague District Judge Bissoon in order to accomplish this blatant violation of Coulter's (and others) Civil Rights – under the "Color of Law". Pennsylvania Statutes clearly define both the acts and the level of the crime under State Law, Pa Code Title 23, Sections 2915 and 2910 :

§ 2915. Court and agency records.
(a) General rule.--All court and agency records shall be maintained as a permanent record and withheld from inspection except as provided under this chapter. (emphasis added)

§ 2910. Penalty for unauthorized disclosure.
Any officer or employee of the court, other than a judge thereof, ... who willfully discloses impounded or otherwise confidential information ..., other than as expressly authorized and provided in this chapter, commits a misdemeanor of the third degree. (emphasis added)

Further, not only does this violation of State Criminal Statutes involve both Defendants Jones and Bissoon, it also implicates both of these Defendants in liability for Section 1983 damages as the act not only violates my Right to Privacy, but it is also believed that this criminal release of Adoption Records is part of the reason that Defendant Bissoon decided to join the Civil Conspiracy against Coulter's Right to Privacy. Had Defendant Bissoon "called" Defendant Jones on the criminal release of the still Sealed Adoption Record (officially, the Record is still required to be kept confidential), Defendant Bissoon would have been forced to assist in the disbarment of her personal friend and colleague, Defendant Jones

It is unknown whether Defendant Bissoon was aware that the release violates State Criminal Statutes at the time of the initial filing (and un-official release) of those Adoption Records. However, as the "average" Pennsylvanian is aware that Adoption Records in the state are "sealed", and thus it is obvious that Defendant Bissoon must be assumed to have similar knowledge and therefore be liable for a willful decision to enter into a Civil Conspiracy against Coulter's Rights to Privacy – an act which should implicate all of the Defendants in the Criminal Color of Law Violation of Rights as well! And, of course, the decision to look the other way to crimes by an attorney, is not a judicial act!

Thus, while Defendant Bissoon may not have realized that her actions violate State Criminal Statutes, Defendant Bissoon most certainly would be as legally savvy as the average Pennsylvanian, and thus Defendant Bissoon must have willfully entered into the Criminal Conspiracy against Coulter's Constitutional Right to Privacy, as the result of the

state-granted Right to Privacy with respect to these specific Records. Further, it is necessary to note that, in her official capacity, even Defendant Bissoon is specifically not permitted to Order the release of those Records :

> "§ 2915. Court and agency records.
>
> (a) General rule.--All court and agency records shall be maintained as a permanent record and withheld from inspection except as provided under this chapter.
>
> (b) Who may access court or agency records.--Only the following are authorized to access court or agency records for the purpose of releasing nonidentifying or identifying information under this chapter:
>
> (1) The court which finalized the adoption.
>
> (2) The agency that coordinated the adoption.
>
> (3) A successor agency authorized by the court which finalized the adoption." (emphasis added)

While it is true that the Federal Courts are not responsible for addressing the violation of State Criminal Statutes, it is patently obvious that this Honorable Court's statement that "The complaint appears to allege no wrongdoing against the Lawyer" does not seem "factually accurate" given the fact that the Commonwealth of Pennsylvania has determined that Defendant Jones's actions constitute a criminal act - and likely Defendant Bissoon's as well (as Conspirator protecting the proceeds of Jones's crimes).

It also must be noted that while This Court may well not have been aware of the Criminal Statutes, Defendant Bissoon was as far back as 2015 at least. I clearly explained this situation in the Motion for Special Relief which I filed on April 2, 2015 in Case No. 15-289. Case No. 15-289 is one of the cases which Defendant Bissoon illegally assumed "jurisdiction" over as the direct result of the Order of December 2012, which required that she alone be assigned every case which Coulter files. Specifically, Coulter stated in that Motion :

3.) As Coulter argued at the time of those decisions, the "Public Record" of the matter does not exist – as Pennsylvania Statute requires that every "paper" **which in any manner relates to a proceeding** concerning even a potential adoption is "sealed". Specifically, Pa C.S. Title 23 Domestic Relations, Part III Adoption, Chapter 29. Decrees and Records, Subchapter B. Records and Access to Information, governs in the release of the records ; (emphasis in original)

And, Coulter cited the complete wording of the pertinent Statutes (which are cited above). So, as This Court can see, Defendant Bissoon is/was aware of the criminality of Defendant Jones's actions – and yet Defendant Bissoon refused to "re-seal" those Records in 2015 – which would obviously be appropriate, and even necessary had Defendant Bissoon been interested to any degree whatsoever, in undoing some of the damage which she had, at the minimum, a significant role in causing!

3.) Next, I will address This Court's conclusion that the Defendant Judges' "... acts complained of appear to be judicial acts.".

In addition, eight of the nine named defendants are judges, and the acts complained of appear to be judicial acts. Since "[a] judicial officer in the performance of his duties has absolute immunity from suit and will not be liable for his judicial acts," Azubuko v. Royal, 443 F.3d 302, 303 (3d Cir. 2006), it appears that the judges are not properly named as Defendants.

While it is true that the Judges came across the evidence of Defendant Bissoon's crimes in the course of their "official duties", in the situations of Defendant Conti and Defendant McKee, they were presented with the evidence of Defendant Bissoon's actions in their entirely "administrative" role, that of of Chief Judge - rather than their "judicial" roles for a case. As is clearly explained in the case cited by This Court, "A judicial officer in the performance of his duties has absolute immunity from suit and will not be liable for his judicial acts. Mireles v. Waco, 502 U.S. 9, 12, 112 S.Ct. 286, 116 L.Ed.2d 9 (1991)" (emphasis added) However, This Court has omitted any mention of any possible justification for a finding that the refusal to comply with Canon 3B(5), is a "judicial act" - particularly in light of the fact that the Judicial Conference has designated the entirety of Canon 3B (all five sections) as Administrative Responsibilities of Federal Jurists - a fact which has remained unchanged since 1973.

Conclusion

The "Judicial Defendants" are not being sued for their "judicial" or "adjudicatory" actions - despite the clear bias and even malice exposed in those actions. Instead, each and every one of the "Judicial Defendants" are being sued for damages caused by

the Jurist's failure to comply with the requirements set for in Canon 3B(5) of the Code of Conduct for Federal Judges - which informs each Federal Judge of their duty of "reporting the conduct to the appropriate authorities", when they become aware of the criminal activities of a fellow judge or attorney.

4.) Finally, This Court has "determined" that there is no "allegation of any facts legally sufficient to support a section 1983 claim against the tenth, unnamed defendant". However, as the Complaint has clearly explained, Defendant Unknown Employee in the Clerk's Office was Ordered to deviate from the established case assignment procedures, and assign every matter filed by Plaintiff Coulter, to Defendant Bissoon :

> "(1) The Clerk's Office shall file any documents submitted by Plaintiff in due course. Plaintiff shall remain responsible for any applicable filing fees.
> (2) Plaintiff's filings shall then be submitted to the undersigned for screening. This Court will strike any filings that are in violation of this order.
> (3) Any filings that do not run afoul of this order, as determined by this Court, will be allowed to remain on the docket, and will be assigned in accordance with Clerk's Office ..."

Surely Defendant Unknown Employee in the Clerk's Office is aware of the procedures for assignment of cases. And, surely, Defendant Unknown Employee in the Clerk's Office, like every other adult American knows that Judge-Shopping is considered a serious threat to Due Process by everyone, including the Courts. Therefore, it is unrealistic to believe that

Defendant Unknown Employee in the Clerk's Office was unaware that "Case-Shopping" is an equal threat to Due Process - and that Defendant Bissoon does not have the authority to Order that certain cases be assigned to Defendant Bissoon herself, and that others be assigned by Random Assignment of Case Procedures in place in the Federal Courts. As such, Defendant Unknown Employee in the Clerk's Office was a knowing participant in the criminal, Color of Law Violation of Rights by Defendant Bissoon - and as such, Defendant Unknown Employee in the Clerk's Office should be held responsible for her role in those crimes.

Respectfully Submitted,

Jean Coulter, Pro Se Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEAN COULTER, Pro Se Plaintiff

v. Case No._____

DISTRICT JUDGE CATHY BISSOON, THIRD CIRCUIT JUDGE THEODORE A, MCKEE, THIRD CIRCUIT JUDGE ANTHONY J. SCIRICA, THIRD CIRCUIT JUDGE THOMAS MICHAEL HARDIMAN,THIRD CIRCUIT JUDGE JOSEPH A. GREENAWAY JR., THIRD CIRCUIT JUDGE JULIO M. FUENTES, THIRD CIRCUIT JUDGE THOMAS IGNATIUS VANASKIE MARIE MILIE JONES,DISTRICT JUDGE JOY FLOWERS CONTI,

UNKNOWN EMPLOYEE IN THE CLERK'S OFFICE, and DISTRICT JUDGE RICHARD G. ANDREWS,Defendants

Amended COMPLAINT FOR CIVIL ACTION

NOW COMES, Pro Se Plaintiff, JEAN COULTER and files *Amended* Complaint for Civil Action, to recover for injuries suffered as the result of intentional acts by all Defendants, which resulted from their willing involvement in the Criminal and Civil Conspiracy against Coulter's Rights. In support of her request Coulter states :

Parties

1.) Pro Se Plaintiff, JEAN COULTER, is a resident of New Jersey, with mailing address :

P.O. Box 8094
Philadelphia, PA 19101-8094
412-616-9505

2.) Defendant CATHY BISSOON, is a Federal Employee, and is believed to be a resident of Pennsylvania, with contact address :

Chambers of District Judge Cathy Bissoon
U.S. District Court for the Western District of Pennsylvania
700 Grant Street
Pittsburgh, PA 15219
(412) 208-7350

3.) Defendant THEODORE A. MCKEE, is a Federal Employee, and is believed to be a resident of Pennsylvania, with contact address :

Chambers of Third Circuit Judge Theodore A. McKee
Third Circuit Court of Appeals, Room 20614
601 Market Street
Philadelphia, PA 19106

(215) 597-9601

4.) Defendant Third Circuit Judge ANTHONY J. SCIRICA, is a Federal Employee, believed to be a resident of Pennsylvania, with contact address :

Chambers of Third Circuit Judge Scirica
Third Circuit Court of Appeals, Room 22614
601 Market Street
Philadelphia, PA 19106
(215) 597-2399

5.) Defendant Third Circuit Judge THOMAS H. HARDIMAN, is a Federal Employee, believed to be a resident of Pennsylvania, with contact address :

Chambers of Third Circuit Judge Hardiman
U.S. Courthouse, Room 2270
700 Grant Street
Pittsburgh, PA 15219
(412) 208-7440

6.) Defendant Third Circuit Judge JOSEPH A. GREENAWAY JR., is a Federal Employees, believed to be a resident of Pennsylvania, with contact addresses :

Chambers of Third Circuit Judge Greenaway
Frank R. Lauterman Post Office & Courthouse
Federal Square and Walnut Street, Room 411
Newark, N.J. 07102
(973) 622-4828

7.) Defendant Third Circuit Judge JULIO M. FUENTES, is a Federal Employee, believed to be a resident of Pennsylvania, with contact address :

Chambers of Third Circuit Judge Julio M. Fuenties

Martin Luther King Federal Building & U.S. Courthouse
50 Walnut Street, Room 5032
Newark, N.J. 07102
(973) 645-3831

8.) Defendant Third Circuit Judge THOMAS IGNATIUS VANASKIE, is a Federal Employee, believed to be a resident of Pennsylvania, with contact address :

Chambers of Third Circuit Judge Vanaskie
William J. Nealon Federal Building & U.S. Courthouse
P.O. Box 913
235 N. Washington Avenue
Scranton, PA 18501
(570) 207-5720

9.) Defendant MARIE MILIE JONES, is an Attorney, and is believed to be a resident of Pennsylvania, with contact address :

Marie Milie Jones
JonesPassodelis
707 Grant Street, Room 3510
Pittsburgh, PA 15219
(412) 315-7272

10.) Defendant DISTRICT JUDGE JOY FLOWERS CONTI, is a Federal employee, and is believed to be a resident of Pennsylvania, with contact address :

Chambers of District Judge Joy Flowers Conti
U.S. District Court for the Western District of Pennsylvania
700 Grant Street
Pittsburgh, PA 15219

(412) 208-7330

11.) Defendant UNKNOWN EMPLOYEE IN THE CLERK'S OFFICE, is a Federal Employee, and is believed to be a resident of Pennsylvania, with contact address :

Unknown Employee in the Clerk's Office
U.S. District Court for the Western District of Pennsylvania
700 Grant Street
Pittsburgh, PA 15219
(412) 208-7500

12.) Defendant DISTRICT JUDGE RICHARD G. ANDREWS, is a Federal employee, and is believed to be a resident of Delaware, with contact address :

J. Caleb Boggs Federal Building
844 N. King Street, Unit 9, Room 6325
Wilmington, DE 19801-3555
302-573-4581

Jurisdiction

13.) Jurisdiction in this Court is pursuant to both **28 U.S. Code § 1332 and** 28 U.S. Code § **1983.**

Claims

14.) Defendants are responsible for significant injuries to Coulter, as the result of Defendants' participation in the **CRIMINAL** AND CIVIL CONSPIRACY to commit COLOR OF LAW VIOLATIONS of Coulter's CIVIL RIGHTS, as well as acts of FRAUD and PERSONAL INJURIES resulting from Defendants' involvement in the CIVIL and CRIMINAL CONSPIRACIES against Coulter. Further, because Defendants' actions violated both the explicit as well as the implied terms of their contractual relationship, Defendants are also

responsible for BREACH OF CONTRACT and BREACH OF IMPLIED CONTRACT (including those set forth in the Pennsylvania Code of Conduct for Attorneys, the Code of Conduct for United States Judges and observance of all Criminal Statutes, among other implied conditions). Additionally, the Defendants are also responsible for the injuries resulting from their acts of INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.

Factual Basis Upon Which The Claims Are Made

15.) On December 18, 2012, Defendant CATHY BISSOON, issued an Order in two unrelated cases, which required that the Clerk's Office in the U.S. District Court assign any case filed by Plaintiff JEAN COULTER, to be first "passed on" by Defendant Bissoon. It is readily obvious that this action by Defendant Bissoon is not merely unauthorized, but it is indeed specifically forbidden - as the Federal Courts have in place an extensive system to assure random assignment of cases - in order to assure Due Process for each Party appearing in the Federal Courts. It is also patently obvious that the reason for Defendant Bissoon's action, was to assure that Coulter not be capable of finding Justice in the Federal Courts! For this reason, this action by Defendant Bissoon, clearly was intended to violate Coulter's CIVIL RIGHT to DUE PROCESS - and that Defendant Bissoon's action was **taken under the COLOR OF LAW rather than under the Authority of Law!** *Further, it is believed that Defendant Bissoon's actions constitute the violation of Federal Criminal Statutes, specifically, 18 U.S. Code Sections 241 and 242 :*

*"18 U.S. Code § 241 - **Conspiracy against rights***
If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or
...
They shall be fined under this title or imprisoned not more than ten years, or both; ..."

and

*"18 U.S. Code § 242 - **Deprivation of rights under color of law***
Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; ..."

As these acts are criminal by definition, they are believed to not qualify as "judicial acts", and thus Defendant Bissoon's immunity is abrogated. Further, as assignment of cases is not typically a duty of a judge (and is indeed forbidden), this too means that Defendant Bissoon is liable for damages

which result from this (illegal) administrative function.

16.) The December 18, 2012 Order, because it required the participation of members of the Clerk's Office, also acted as Defendant Bissoon's "recruitment" of additional Federal employee(s) (possibly through coercing), to convince those employees to abandon their Official Responsibility to assign cases utilizing the system in place to assure Random Assignment of cases. Thus Defendant UNKNOWN EMPLOYEE OF THE CLERK'S OFFICE, became a co-conspirator in both the CRIMINAL as well as CIVIL CONSPIRACY against Coulter's Civil Rights - and also means that Defendant Unknown Employee of the Clerk's Office is similarly responsible for Coulter's damages. *Further, it is believed that Defendant Unknown Employee of the Clerk's Office's subsequent actions in assigning cases to Defendant Bissoon, constitute the violation of Federal Criminal Statutes, specifically, 18 U.S. Code Sections 241 and 242.*

17.) The December 2012 Order was not the first time that Defendant Bissoon had chosen to violate both Criminal Statutes as well as Coulter's Civil Rights. Indeed, Bissoon's Orders in each and every prior case involving Coulter had all been based on Bissoon's "consideration" of "facts" supplied exclusively by Defendant MARIE MILIE JONES's filing of a Sealed Adoption Record from the State Courts. Noteworthy, is the fact that the Sealed Adoption Record was written by one of the Defendants in the prior actions, and therefore would not be considered as having been produced by an unbiased source - as well as the fact that the document was unavailable for Defendant Bissoon's

consideration, as it was not filed by Coulter - and not part of the "Public Record" of any case (prior to Defendant Bissoon's decision to permit the Sealed Adoption Record to be made Public in the Federal Court! *It is also noteworthy that the release of Sealed Adoption Records, by an attorney, constitutes the commission of a Misdemeanor, under Pennsylvania Statutes :*

> ***23 Pa. C.S.A. § 2915. Court and agency records.***
> ***(a) General rule.*** *-- All court and agency records shall be maintained as a permanent record and withheld from inspection except as provided under this chapter.*
>
> ***23 Pa. C.S.A. § 2910. Penalty for unauthorized disclosure.***
> ***Any officer or employee of the court****, other than a judge thereof, ... who willfully discloses impounded or otherwise confidential information ..., other than as expressly authorized and provided in this chapter, commits a* ***misdemeanor of the third degree****. (emphasis added)*

Additionally, it should be noted that Defendant Bissoon does not have the authority to permit the release of these Sealed Adoption Records, as Pennsylvania Statute only permits information from these Records to be released, upon Order from "the court which finalized the adoption" or an agency related to the proceedings which resulted in the finalized adoption (an Order which Defendant Bissoon is obviously does not have the authority to produce) :

23 Pa. C.S.A. § 2915. Court and Agency Records.

*(b) **Who may access court or agency records.** - - Only the following are authorized to access court or agency records for the purpose of releasing nonidentifying or identifying information under this chapter :*

(1) The court which finalized the adoption.

(2) The agency that coordinated the adoption.

(3) A successor agency authorized by the court which finalized the adoption.

and

23 Pa. C.S.A. § 2931. Access to information.

*(a) Who may access information. - - The following individuals may file a written request for ... information ... with **the court which finalized the adoption** the agency which coordinated the adoption or a successor agency ..." (emphasis added)*

It is therefore believed that both Defendant Bissoon and Defendant Jones are responsible for the violation of the State Crimes as well as violating 18 U.S. Code Sections 241 and 242, due to the inclusion of confidential information about Plaintiff Coulter (and others)in violation to those Parties Rights to Privacy, and the action is clearly an Abuse of Process. And, Defendant Bissoon has an Administrative obligation, pursuant to Canon 3B(5), to report the criminal actions of Defendant Jones :

" (5) A judge should take appropriate action upon learning of reliable evidence indicating

the likelihood that a judge's conduct contravened this Code or a lawyer violated applicable rules of professional conduct."

Because Information from the Sealed Adoption Record was made part of the December 18, 2012 Order, both Defendants Bissoon and Defendant Bissoon, are both responsible for damages due to FRAUD and INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS as well as the COLOR OF LAW VIOLATION OF RIGHTS and CONSPIRACY TO VIOLATE CIVIL RIGHTS under the Color of Law as well as the injuries which have resulted from the CRIMINAL AND CIVIL CONSPIRACY against Coulter's Rights to Privacy and Due Process!

18.) The Appellate Panel who decided the matter which resulted in the December 18, 2012, Defendant SCIRICA, Defendant HARDIMAN, and Defendant GREENAWAY JR., as well as Defendants who heard the Appeal of a subsequent case which was dismissed by Defendant Bissoon (in March 2015), Defendant SCIRICA, Defendant FUENTES, and Defendant VANASKIE - were all aware of the both the CRIMINALITY of the Order of December 2012, *pursuant to 18 U.S. Code Sections 241 and 242,* as well as Bissoon's crimes related to the release and utilization of Information from a Sealed Adoption Record - but none of these Defendants chose to act upon that knowledge as required by Criminal Statutes as well as the Code of Conduct for Jurists. The decision by each of these judges from the Third Circuit Court of Appeals forms the Proximate Cause of Coulter's Injuries when they chose to also produce a Fraudulent Decision, with the obvious purpose of

protecting the proceeds of the crimes committed by Bissoon in these two cases.

Because each of the Defendants who subsequently read the December 2012 Order, Defendants McKee, Scirica, Hardiman, Greenaway, Fuentes, Vanaskie, Conti, Delaware DISTRICT JUDGE RICHARD G. ANDREWS, are obligated to comply with the Code of Conduct for Federal Judges, it is believed that these Defendants have also violated Federal and State Criminal Statutes, including 18 U.S. Code Sections 241 and 242, as the Code of Conduct for Federal Judges requires that all Federal Judges comply with the law ***which requires that they report a felony - as otherwise they have also committed a crime, specifically, Misprision of a Felony*** *:*

> *CANON 2: A JUDGE SHOULD AVOID IMPROPRIETY AND THE* ***APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES***
> *A. Respect for Law. A judge should respect and* ***comply with the law*** *and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*
>
> *COMMENTARY*
> ***Canon 2A.*** *An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.... Actual improprieties under this standard include violations of law,*

court rules, or other specific provisions of this Code."

and:

CANON 3: A JUDGE SHOULD PERFORM THE DUTIES OF THE OFFICE FAIRLY, IMPARTIALLY AND DILIGENTLY
The duties of judicial office take precedence over all other activities. In performing the duties prescribed by law, the judge should adhere to the following standards:

...

B. Administrative Responsibilities.

...

(5) A judge should take appropriate action upon learning of reliable evidence indicating the likelihood that a judge's conduct contravened this Code or a lawyer violated applicable rules of professional conduct.

COMMENTARY
Canon 3B(5). *Appropriate action may include direct communication with the judge or lawyer, other direct action if available, reporting the conduct to the appropriate authorities,..."*

and

18 U.S. Code § 4 - Misprision of felony
Whoever, having knowledge of the actual commission of a felony cognizable by a court of

the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

It seems readily apparent that, upon becoming aware of "reliable evidence" which indicates that Federal Crimes have been committed, as evidenced by a document which is part of the Official Record of a case in the Federal Courts the "appropriate action" would have to include "reporting the conduct to the appropriate authorities" which would include Law Enforcement!

Each of the Judicial Defendants are immune from civil suit for their Judicial Actions alone, so, it should be noted that ***Canon 3B(5)*** *is designated as one of the judges' "Administrative Responsibilities", in contrast to the responsibilities listed under Canon 3(A) : "A. Adjudicative Responsibilities."*

19.) Defendant THIRD CIRCUIT COURT OF APPEALS JUDGE MCKEE is responsible for Coulter's injuries as the proximate cause of Coulter's injuries results from Defendant McKee's Memorandum Opinion dated August 24, 2015. In that Opinion, Circuit Judge McKee clearly feigned misunderstanding of Coulter's Complaint of Misconduct by Judge Bissoon, in order to permit him to dismiss the complaint, rather than force (Judge Bissoon obviously was acting to protect the interests of both the Defendant who wrote that State Court Document (from the Adoption Record), as well as her colleague (Atty. Marie Milie Jones) who acted as Defendants' Counsel in each of the earlier cases. In

addition to the obvious involvement in crimes by Defendant Bissoon, it is noteworthy that Defendant Jones has a lengthy relationship with Defendant Bissoon which extends far beyond the walls of the courtroom - a fact which Defendant Jones chose to repeatedly conceal from Coulter as well as the opposing Parties in each and every case which Defendant Jones has brought into Defendant Bissoon's Courtroom. And this fact compounds the culpability of Defendant Jones in this matter as well as any case where Jones has represented parties before Defendant Bissoon.

It is apparent that Defendant McKee has an obligation, pursuant to Canon 3B (5), to report Defendant Bissoon's crimes, that he learned of as the result of his Administrative duty, to Law Enforcement as he is required to inform the "appropriate authorities". It is therefore obvious that Defendant McKee's actions not merely abrogate his immunity from civil actions, but Defendant McKee's acts, are believed to constitute the commission of multiple Federal and State Crimes, including 18 U.S. Code Sections 241 and 242, as Defendant McKee is similarly required to report the Criminal Actions of Defendant Bissoon, but failed to do so.

19.) Defendant JOY FLOWERS CONTI also has liability for the damages suffered by Coulter as Judge Conti was erroneously sent the Complaint of Judicial Misconduct against Judge Bissoon - however, Defendant Conti chose to fail to take steps to forward the Complaint of Misconduct to the appropriate individuals in the Circuit Court. Thus, Judge Conti also joined into the Criminal Conspiracy against Coulter and must also share the

consequences of the crimes committed directly by Defendant Bissoon.

It is therefore obvious that Defendant Conti's actions not merely abrogate her immunity from civil actions, but Defendant Conti's acts, it is believed, constitute the commission of multiple Federal and State Crimes, including 18 U.S. Code Sections 241 and 242, as Defendant Conti is similarly required to report the Criminal Actions of Defendant Bissoon, but failed to do so, as required by the Administrative duties required by Canon 3B (5).

20.) Defendant RICHARD G. ANDREWS, from Delaware, accepted the assignment to hear the case against the other Defendants, in order to provide some measure of impartiality. But, rather than conscientiously perform his official "judicial duties", he chose to instead assume the duties normally assigned to Counsel for Defendants. Thus Defendant Andrews' actions, as they are not typically those of a judge, do not qualify as "judicial". Further, Defendant Andrews also became aware of the crimes by all of the other Defendants, and also is required to report those criminal activities pursuant to Canon 3B (5), just as every other Federal Judge is required to do. Because Canon 3B(5) is defined as an Administrative Duty, by the Judicial Conference (which is composed of the Chief Judge from each Circuit and the U.S. Supreme Court), again, Defendant Andrews is without immunity for his actions in this matter.

Rather than honestly review the filings thus far, Defendant Andrews has chosen to review the documents with the eye of Counsel for Defendants, and has thus asserted that the "vexatious litigant order" of December 2012 is far more encompassing

*than it is - asserting that the bar is set to prohibit all "allegations about how Plaintiff's previous litigation was handled", rather than the unrelated restrictions which exclusively restrict Coulter "from filing any additional civil actions related to or arising from the state court proceedings...". The reason for this unconscionable expansion is clearly in order to permit the unlawful dismissal of this matter, as it is in no manner "related to" **any** state court proceeding, and there is no conceivable way in which Defendant Bissoon's decision to commit a series of crimes, could possibly be considered to have been **caused by (or arisen from) any proceeding in any state court**, as Coulter and Bissoon have never been Parties to any matter in **any** court before this matter was filed. And, Defendant Andrews has even asserted that the complaint has never alleged any wrongdoing by Defendant Jones - despite it clearly stating that Defendant Jones is responsible for "filing of a Sealed Adoption Record from the State Courts". The criminality of this action has been clarified in the Amended Complaint, but even in the Complaint upon which Defendant Andrews has argued there to be no wrongdoing alleged, Coulter clearly alleged the crimes by Defendant Bissoon and thus the criminality of Defendant Jones' actions should have been readily understood as well "Judge Bissoon's role in the criminal release of Sealed Adoption Records from the State Court - to their public release in the Federal Courts ..."*

As is the case will all of the other "Judicial Defendants", Defendant Andrews' immunity for "judicial acts" does not extend to his obligation, as an Administrative Duty" to comply with Canon 3B (5), which requires that he report to Law Enforcement

the crimes of all of the other Defendants (with the possible exception of the Unknown Employee in the Clerk's Office).

Further, Defendant Andrews has attempted to FRAUDULENTLY convince Coulter that he has magnanimously granted her an opportunity to defend her position in this matter, stating :

> *"The Court is contemplating either striking or dismissing with prejudice the complaint against all defendants for the above-stated reasons. Plaintiff is* pro se. *She has paid the filing fee. Before this Court takes any action on the complaint, Plaintiff will be given an opportunity to be heard. ..."*

It is patently obvious that the Defendant Andrews is trying to convince Coulter that he is being just as willing to give Coulter a break, as he has been willing to "misunderstand" the obligations of his fellow jurists - with respect to the ***professional obligations of all of the Defendants as well as all of the Defendants' actions concerning their willing involvement in serious crimes!***

Conclusion

It is obvious that each of the Defendants willingly entered into a Criminal and Civil Conspiracy against Coulter - for either the purpose of protecting the Defendants in those matters - or for the purpose of protecting one of their Colleagues (Defendant Bissoon) and the proceeds of Bissoon's crimes. Thus, the Proximate Cause of Coulter's Injuries results from the remaining Defendants actions to protect Bissoon. Further, because of Defendants' actions subsequent to their decision to

protect Defendant Bissoon from Criminal Sanctions for her numerous crimes, the Defendants' are without immunity for their "pre-adjudication" and thus "absolute judicial immunity" does not apply (as the decision to commit a crime, in order to their colleague, is obviously not a "judicial act") and all Defendants must be held financially and criminally responsible for their subsequent actions which have seriously injured Coulter. *Further, as each of the Defendants (with the possible exception of Unknown Employee)are obligated to comply with the Code of Conduct for Federal Judges (or PA Rules of Professional Conduct for Attorneys (for Defendant Jones, each of the Defendants have lost their immunity and are completely liable for the damages suffered as the result of the Civil and Criminal Conspiracy which they chose to enter into.*

Prayer for Relief

Coulter seeks recovery for injuries in the amount of *$125,000,000.00* (One Hundred *Twenty-Five* Million Dollars and No Cents) along any other Relief which the Court finds appropriate.

Coulter exercises her right to TRIAL BY JURY in this matter.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.
Signed this *27th day of February, 2017*

Jean Coulter, Pro Se Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEAN COULTER, Plaintiff,
v.
MARY SUZANNE RAMSDEN, et al., Defendants

Civil Action No. 12-1050
Judge Cathy Bissoon
Magistrate Judge Mitchell

JEAN COULTER, Plaintiff
v.
JAMES E. MAHOOD, et al., Defendants.

Civil Action No. 12-1241
Judge Cathy Bissoon
Magistrate Judge Mitchell

ORDER

...

AND NOW, this 18th day of December, 2012,

IT IS HEREBY ORDERED that Plaintiff's "Praecipe" to Waive Oral Argument is DENIED, as stated above.

IT IS FURTHER ORDERED that counsel appearing at the December 17, 2012, hearing shall submit motions for costs and fees, along with supporting documentation, on or before December 28, 2012, if appropriate. Plaintiff shall file her responses thereto on or before January 9, 2013.

IT IS FURTHER ORDERED that Coulter v. Ramsden, No. 12-1050, is DISMISSED, with PREJUDICE, as duplicative.

IT IS FURTHER ORDERED that Coulter v. Mahood, No. 12-1241, is DISMISSED, with PREJUDICE, as duplicative.

IT IS FURTHER ORDERED that Plaintiff is designated a vexatious litigant, and is prohibited from filing any additional civil actions related to or

arising from the state court proceedings involving her criminal conviction for assaulting her minor child, and/or the subsequent termination of her parental rights. Given Plaintiff's history of ignoring the orders of this Court, the following procedure shall be implemented by the Clerk's Office with respect to any documents filed by Plaintiff in the future:

(1) The Clerk's Office shall file any documents submitted by Plaintiff in due course. Plaintiff shall remain responsible for any applicable filing fees.

(2) Plaintiff's filings shall then be submitted to the undersigned for screening. This Court will strike any filings that are in violation of this order.

(3) Any filings that do not run afoul of this order, as determined by this Court, will be allowed to remain on the docket, and will be assigned in accordance with Clerk's Office procedures in the same manner as filings submitted by a litigant who is not subject to a vexatious litigant order.

IT IS FURTHER ORDERED that any violations of the above vexatious litigant order by Plaintiff **will result in the imposition of sanctions and a possible order holding Plaintiff in contempt of court**.

IT IS FURTHER ORDERED that, to the extent that any future filings by Plaintiff are appropriate, Plaintiff shall refrain from the use of abusive language. Consistent with Rule 11 of the Federal Rules of Civil Procedure, Plaintiff also shall not file any motions that she knows to

be without merit. Failure to comply with this order **will result in the imposition of sanctions and a possible order holding Plaintiff in contempt of court**.

IT IS FURTHER ORDERED that Plaintiff shall comply with any and all orders of this Court. Failure to do so **will result in the imposition of sanctions and a possible order holding Plaintiff in contempt of court**. In the event that any future order conflicts with the above vexatious litigant order, the later order will control.

BY THE COURT:
s/Cathy Bissoon
CATHY BISSOON
UNITED STATES
DISTRICT JUDGE