

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Deborah Elizabeth Gouch-Onasis,

CASE NUMBER

CV16-06186-GW(AJWx)

v.

PLAINTIFF(S)

The State of California,

DEFENDANT(S)

**ORDER RE REQUEST TO PROCEED
IN FORMA PAUPERIS**
(on appeal)

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby GRANTED.

Date

United States Magistrate Judge

IT IS RECOMMENDED that the Request to Proceed *In Forma Pauperis* be **DENIED** for the following reason(s):

- ☒ Inadequate showing of indigency
☐ Legally and/or factually patently frivolous
☐ Other: _____

- ☐ District Court lacks jurisdiction
☐ Immunity as to _____

Comments:

The motion and affidavit are unintelligible.

December 7, 2016

Date

Carl & Winter

United States Magistrate Judge

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby:

☐ GRANTED

☒ DENIED (see comments above). IT IS FURTHER ORDERED that:

- ☐ Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.
☒ This case is hereby DISMISSED immediately, because the appeal appears to be legally and factually patently frivolous.
☐ This case is hereby REMANDED to state court.

December 13, 2016

Date

George H. W.

United States District Judge

Appendix A

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-6186-GW(AJWx)	Date	November 16, 2016
Title	<i>Deborah Elizabeth Gouch-Onasis v. The State of California</i>		

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE		
Javier Gonzalez	None Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
None Present		None Present

PROCEEDINGS (IN CHAMBERS): COURT ORDER

Plaintiff pro per filed this unintelligible lawsuit asserting that this Court has jurisdiction "under the laws of the State of California for civil cases." *See Complaint* at 1, Docket No. 1. Concomitantly, Plaintiff filed a Request to Proceed in Forma Pauperis. *See Docket No. 3*. On August 23, 2016, this Court denied Plaintiff's request and ordered her to pay the full amount of filing fees within 30 days or her case would be dismissed. *See Docket No. 6*. On September 1, 2016, Plaintiff filed a "Statement" regarding her financial situation. *See Docket No. 7*. On October 11, 2016, the Court issued an Order which: (1) noted that Plaintiff's complaint was "legally and factually patently frivolous," and (2) again denied her request to proceed in forma pauperis and required her to pay the filing fee within 30 days or her case would be dismissed. *See Docket No. 12*. On October 26, 2016, in another order dealing with a motion to amend the complaint, this Court again reminded Plaintiff that she had until November 11 to submit the filing fees or her action would be dismissed. *See Docket No. 26*. It is now observed that as of today's date, Plaintiff has still failed to pay the full amount of the filing fees. Therefore, the present lawsuit is dismissed.

Initials of Preparer JG

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 24 2017

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

DEBORAH ELIZABETH GOUCH-
ONASSIS, formerly known as Foster
formerly known as Lockett,

Plaintiff-Appellant,

v.

THE STATE OF CALIFORNIA,

Defendant-Appellee.

No. 16-56778

D.C. No. 2:16-cv-06186-GW-AJW
Central District of California,
Los Angeles

ORDER

Before: SILVERMAN, McKEOWN, and HURWITZ, Circuit Judges.

Upon a review of the record and the response to the court's December 16, 2016 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 5), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

DISMISSED.

Appendix

B

FILED

UNITED STATES COURT OF APPEALS

DEC 16 2016

FOR THE NINTH CIRCUIT

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

DEBORAH ELIZABETH GOUCH-
ONASSIS, formerly known as Foster
formerly known as Lockett,

Plaintiff-Appellant,

v.

THE STATE OF CALIFORNIA,

Defendant-Appellee.

No. 16-56778

D.C. No.

2:16-cv-06186-GW-AJW

Central District of California,
Los Angeles

ORDER

A review of the district court's docket reflects that the district court denied appellant leave to proceed in forma pauperis because it found that the action was frivolous. This court may dismiss a case at any time, if the court determines the case is frivolous. *See* 28 U.S.C. § 1915(e)(2).

Within 35 days after the date of this order, appellant must:

- (1) file a motion to dismiss this appeal, *see* Fed. R. App. P. 42(b), or
- (2) file a statement explaining why the appeal is not frivolous and should go forward.

If appellant files a statement that the appeal should go forward, appellant also must:

- (1) file in this court a motion to proceed in forma pauperis, OR

CO/Pro Se

Appendix B 1 of 2 pages

(2) pay to the district court \$505.00 for the filing and docketing fees for this appeal AND file in this court proof that the \$505.00 was paid.

If appellant does not respond to this order, the Clerk will dismiss this appeal for failure to prosecute, without further notice. *See* 9th Cir. R. 42-1. If appellant files a motion to dismiss the appeal, the Clerk will dismiss this appeal, pursuant to Federal Rule of Appellate Procedure 42(b). If appellant submits any response to this order other than a motion to dismiss the appeal, the court may dismiss this appeal as frivolous, without further notice.

If appellant files a statement that the appeal should go forward, appellee may file a response within 10 days after service of appellant's statement.

The briefing schedule for this appeal is stayed.

The Clerk shall serve on appellant: (1) a form motion to voluntarily dismiss the appeal, (2) a form statement that the appeal should go forward, and (3) a Form 4 financial affidavit. Appellant may use the enclosed forms for any motion to dismiss the appeal, statement that the appeal should go forward, and/or motion to proceed in forma pauperis.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Corina Orozco
Deputy Clerk
Ninth Circuit Rule 27-7

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. CV 16-6186-GW(AJWx) Date October 26, 2016

Title Deborah Elizabeth Gouch-Onasis v. The State of California Page 1 of 2

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez
Deputy Clerk

None Present
Court Reporter

Attorneys Present for Plaintiff(s)

Attorneys Present for Defendant(s)

None Present

None Present

Proceedings: (IN CHAMBERS) – RULING ON MOTION TO AMEND COMPLAINT
[18]

On August 17, 2016, Deborah Elizabeth Gouch-Onasis ("Plaintiff") filed a complaint against the State of California ("Defendant") stating incomprehensible facts and raising four claims: (1) "Judges ruled in error on purpose"; (2) "state denied Plaintiff a right to leave country"; (3) "allowed abuse to [sic] Plaintiff"; and (4) "Government cover-up." See Docket No. 1. Plaintiff requested, among other things, that this Court: (1) bring a criminal action against government employees; and (2) award her 100 million dollars "tax free." *Id.* On the same day, along with the complaint, Plaintiff also filed a request to proceed in forma pauperis (the "IFP"). See Docket No. 3. On August 23, 2016, this Court denied the IFP, ordering Plaintiff to file full filing fees within 30 days. See Docket No. 6. On September 1, 2016, Plaintiff furnished a document labeled "Financial Statement" in a purported attempt to seek reconsideration of this Court's denial of the IFP. See Docket No. 7. On October 11, 2016, the Court denied that purported attempt, giving Plaintiff another 30 days to submit the full amount of the filing fees. See Docket No. 12. The Court also noted that the operative complaint was patently frivolous, both legally and factually. *Id.*

On October 17, 2016, Defendant moved to dismiss the action under Federal Rule of Civil Procedure ("Rule") 12(b), asserting sovereign immunity under the Eleventh Amendment to the United States Constitution, and also requesting that any leave to amend be deemed futile. See Docket No. 13 ¶ 1 at 2; *id.* at 3-4. Said motion is now scheduled for December 8, 2106. In response, on October 18, 2106, Plaintiff submitted a motion to amend her complaint.¹ See Docket No. 21.

Because Rule 15 permits that "[a] party may amend its pleading once as a matter of course within" "21 days after service of a motion under Rule 12(b)" (*see* Fed. R. Civ. P.

¹ Plaintiff also submitted a motion for default judgment, to which a notice of deficiency has been issued. See Docket Nos. 18, 23.

Appendix C

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. CV 16-6186-GW(AJWx) Date October 26, 2016

Title Deborah Elizabeth Gouch-Onasis v. The State of California Page 2 of 2

15(a)(1)), and Defendant submitted such a Rule 12(b) motion (*see* Docket No. 13), Plaintiff is well within the time limit to amend her complaint as a matter of right; no permission from the Court is needed.

Plaintiff is therefore free to amend the complaint once until November 7, 2016. No oral arguments are warranted and hence her November 17, 2016 hearing date is taken off-calendar. *See* C.D. Cal. L.R. 7-15. The Court again reminds Plaintiff that she has until November 11, 2016 to submit the full amount of the filing fees or else her complaint, amended or not, will be dismissed. *See* Docket No. 12.