

Chris Epperson
1023 Klette Ave
Fresno CA 93706

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 14 2018

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

CHRIS EPPERSON,

Plaintiff-Appellant,

v.

U.S. DISTRICT COURT, Northern District
of Alabama,

Defendant-Appellee.

No. 18-16485

D.C. No.

1:18-cv-01028-AWI-EPG

Eastern District of California,
Fresno

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

(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.

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: Joseph Williams
Deputy Clerk
Ninth Circuit Rule 27-7

Chris Zimmerman
1023 Klette Ave
Fresno CA 93700 3143

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUDGMENT IN A CIVIL CASE

CHRIS EPPERSON,

CASE NO: 1:18-CV-01028-AWI-EPG

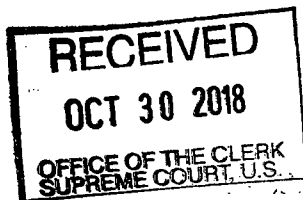
v.

U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ALABAMA,

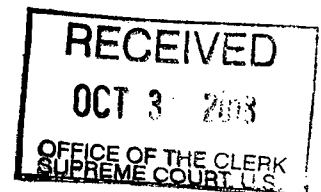
XX -- Decision by the Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

THAT JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE
COURT'S ORDER FILED ON 8/1/2018



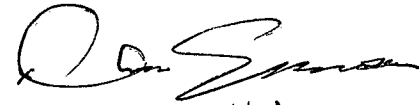
Marianne Matherly
Clerk of Court



ENTERED: August 1, 2018

by: /s/ T. Lundstrom

Deputy Clerk


1023 Klett Ave
Fresno CA 93702-3143

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
2500 Tulare Street
Fresno, CA 93721

CHRIS EPPERSON, _____
Plaintiff

v.

CASE NO. 1:18-CV-01028-AWI-EPG


**U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ALABAMA,** _____
Defendant

You are hereby notified that a Notice of Appeal was filed on **August 06, 2018**
in the above entitled case. Enclosed is a copy of the Notice of Appeal, pursuant
to FRAP 3(d).

August 7, 2018

**MARIANNE MATHERLY
CLERK OF COURT**

by: /s/ A. Jessen
Deputy Clerk


1623 KLETTAUF
FREGNO 937020

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHRIS JONATHON EPPERSON,

Plaintiffs

v.

NORTHERN DISTRICT OF ALABAMA,

Defendants

CASE NO. 1:18-CV-1028 AWI EPG

**ORDER DENYING MOTIONS TO
PROCEED IN FORMA PAUPERIS AND
DISMISSING MATTER AS
FRIVOLOUS**

(Doc. Nos. 2, 3)

On July 30, 2018, Plaintiff Chris Jonathon Epperson filed this lawsuit and a motion to proceed *in forma pauperis*. See Doc. Nos. 1, 2. The Defendant is a federal court, the United States District Court for the Northern District of Alabama. Plaintiff seeks \$500 billion. Currently before the Court is Plaintiff's *in forma pauperis* motion.

Factual Background

The Complaint is unintelligible. Plaintiff indicates that this court has jurisdiction based on a federal question and diversity. As the basis of federal question jurisdiction, Plaintiff writes: "enievient tampeeron discreet, under interrogation safety cell A.B.C.D., Health & Safety Exempt No. 9." For diversity of citizenship, Plaintiff identifies the as Defendant Hugo L. Black, a citizen of Alabama and Bermuda. However, this is apparently an attempt to identify the Northern District of Alabama since the address that Plaintiff lists for the Northern District of Alabama is the "Hugo L. Black United States Courthouse," located at 1729 5th St., Birmingham, AL. See

1 www.alnd.uscourts.gov. Under a section of the complaint entitled “Statement of Claim,” Plaintiff
 2 writes: “Global Civil Rights 1974 Republican of Bermuda Assassination [sic] of John F. Kennedy,
 3 Kentucky Civil rights 1964 congressman lowerhouse left seat rightwing conspierecy [sic]
 4 assacination [sic] of president house of assembly head of state.” Under the “Relief” section,
 5 Plaintiff rights: “Dutch Bermuda Rifle to his face espionage in the cold war 1948-1959 Foreign
 6 Policy in the Congo 1960-1964 Congress violation constitutional amendment under sedition act of
 7 1798.” There is also a type written page that repeats some of the above, but also suggests that
 8 Plaintiff wishes to subpoena the head of the Australian Assembly, President Emmanuel Macron of
 9 France, and the “Fifth Congress.” Finally, the Complaint attaches images of public documents
 10 and photographs of former United States politicians, such as Richard Nixon and Sam Rayburn.

11 *In Forma Pauperis Framework*

12 District courts “may authorize the commencement . . . of any suit, action or proceeding,
 13 civil or criminal . . . without prepayment of fees or security therefor, by a person who submits an
 14 affidavit that includes a statement of all assets such [person] possess that the person is unable to
 15 pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). A district court “shall dismiss
 16 the case at any time if the court determines that . . . the action . . . is frivolous or malicious; [or]
 17 fails to state a claim on which relief may be granted” 28 U.S.C. § 1915(e)(2)(B)(i), (ii). An
 18 action is “frivolous” if it has no arguable basis in fact or law; the term embraces both inarguable
 19 legal conclusions and fanciful factual allegations. Neitzke v. Williams, 490 U.S. 319, 325 (1989);
 20 DeRock v. Sprint-Nextel, 584 Fed. Appx. 737 (9th Cir. 2014); see also Tripati v. First Nat’l Bank
 21 & Trust, 821 F.2d 1368, 1370 (9th Cir. 1987). For purposes of § 1915(e)(2)(B)(ii), the same
 22 standard for a Rule 12(b)(6) motion is utilized – the complaint must contain sufficient factual
 23 matter, accepted as true, to state a claim that is plausible on its face.” Rosati v. Igbinoso, 791 F.3d
 24 1037, 1039 (9th Cir. 2015). “A district court may deny leave to proceed *in forma pauperis* at the
 25 outset if it appears from the face of the proposed complaint that the action is frivolous or without
 26 merit.” Minetti v. Port of Seattle, 152 F.3d 1113, 1115 (9th Cir. 1998); Tripati, 821 F.2d at 1370.
 27 However, the “denial of leave to proceed *in forma pauperis* is an abuse of discretion unless the
 28 district court first provides a plaintiff leave to amend the complaint or finds that amendment would

1 be futile.” Rodriguez v. Steck, 795 F.3d 1187, 1188 (9th Cir. 2015); see Tripati, 821 F.2d at 1370.
2 If a court denies a motion to proceed *in forma pauperis* because the complaint is frivolous and
3 cannot be cured by amendment, then the denial of the motion acts as a dismissal under 28 U.S.C. §
4 1915(e). Rodriguez, 795 F.3d at 1188.

5 Discussion

6 As indicated above, the Complaint is incoherent. Near as the Court can tell, Plaintiff is
7 attempting to allege violations of the Sedition Act of 1798.¹ No plausible claims of any kind are
8 stated. Moreover, what has been submitted to the Court indicates that Plaintiff is attempting to
9 obtain \$500 billion from the Northern District of Alabama based in part on the assassination of
10 President John F. Kennedy. The Complaint is clearly fanciful and frivolous.

11 Since the Complaint is frivolous and fails to state a claim, dismissal of the complaint is
12 required. See 28 U.S.C. § 1915(e)(2). Furthermore, because the Court concludes that amendment
13 would be futile, the Court will deny Plaintiffs’ motion to proceed *in forma pauperis* and dismiss
14 this case. See 28 U.S.C. § 1915(e); Rodriguez, 795 F.3d at 1188; Minetti, 152 F.3d at 1115;
15 Tripati, 821 F.3d at 1370.

16
17 ORDER

18 Accordingly, IT IS HEREBY ORDERED that;

- 19 1. Plaintiff’s motions to proceed *in forma pauperis* (Doc. No. 2) is DENIED;
20 2. This case is DISMISSED as frivolous and for failing to state a claim; and
21 3. The Clerk shall CLOSE this case.

22
23 IT IS SO ORDERED.

24 Dated: August 1, 2018


25 SENIOR DISTRICT JUDGE
26
27

28 ¹ The Sedition Act of 1798 expired in 1801. See Gertz v. Welch, 418 U.S. 323, 356 (1974) (Douglas, J., dissenting).