

APPENDIX A

United States Court of Appeals for the Ninth Circuit

Case No. 19-15316 re: CV-06921-BLF

Jerome Lemeal Williams v. Wendy Duffy,

Administrative Law, Judge, et al

APPENDIX A

United States Court of Appeals for the Ninth Circuit

Case No. 19-15316 re: CV-06921-BLF

Jerome Lemeal Williams v. Wendy Duffy, Administrative Law, Judge, et al

I. Mandate decision appeal denied November 21, 2019

II. Order denied reconsideration November 13, 2019

III. Order denying motion for time extension.8/1/19

IV. Order Affirmed motion to file physical exhibits July 17, 2018.

V. Motion denied for physical exhibits April 23, 2019.

VI. Order revoked In Forma Pauperis status 3/7/19

VII. Federal notice February 25, 2018

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 21 2019

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

JEROME LEMEAL WILLIAMS,

Plaintiff - Appellant,

v.

WENDY DUFFY, Administrative Law
Judge, Judge; et al.,

Defendants - Appellees.

No. 19-15316

D.C. No. 5:18-cv-06921-BLF
U.S. District Court for Northern
California, San Jose

MANDATE

The judgment of this Court, entered July 17, 2019, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Nixon Antonio Callejas Morales
Deputy Clerk
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 13 2019

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

JEROME LEMEAL WILLIAMS,

Plaintiff-Appellant,

v.

WENDY DUFFY, Administrative Law
Judge, Judge; et al.,

Defendants-Appellees.

No. 19-15316

D.C. No. 5:18-cv-06921-BLF
Northern District of California,
San Jose

ORDER

Before: SCHROEDER, SILVERMAN, and CLIFTON, Circuit Judges.

Williams's motion for reconsideration (Docket No. 16) is denied.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 17 2019

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

JEROME LEMEAL WILLIAMS,

Plaintiff-Appellant,

v.

WENDY DUFFY, Administrative Law
Judge, Judge; et al.,

Defendants-Appellees.

No. 19-15316

D.C. No. 5:18-cv-06921-BLF
Northern District of California,
San Jose

ORDER

Before: SCHROEDER, SILVERMAN, and CLIFTON, Circuit Judges.

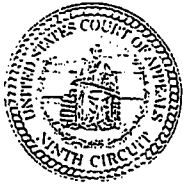
Appellant submitted the filing fee to the district court just prior to this court issuing its March 7, 2019 order. Accordingly, that order is vacated, and the clerk is directed to file the opening brief received on April 11, 2019.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

AFFIRMED.



Molly C. Dwyer
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

April 23, 2019

To: Jerome Lemeal Williams

From: Molly C. Dwyer, Clerk of Court
By: Khanh Thai, Deputy Clerk

Re: Receipt of Deficient Physical Exhibits of Appellant on 04/22/2019

USCA No. 19-15316 Jerome Williams v. Wendy Duffy, et al

The referenced physical exhibits cannot be filed for the following reasons(s):

- *Motion required: If a party asserts review of an exhibit not currently available on the electronic district court docket is necessary to resolution of an issue on appeal, that party shall move the Court for leave to transmit to the Court of copy of replication of the exhibit. See 9th Cir. R. 27-14. Please file a motion requesting leave to transmit a physical exhibit.*

The following action has been taken with respect to the physical exhibits received in this office:

- *The deficiency by the appellant is judged to be serious. We cannot file your exhibits*

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAR 7 2019

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

JEROME LEMEAL WILLIAMS,

Plaintiff-Appellant,

v.

WENDY DUFFY, Administrative Law
Judge, Judge; et al.,

Defendants-Appellees.

No. 19-15316

D.C. No. 5:18-cv-06921-BLF
Northern District of California,
San Jose

ORDER

A review of the district court's docket reflects that the district court has certified that this appeal is frivolous and has revoked appellant's in forma pauperis status. *See* 28 U.S.C. § 1915(a). 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

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 25 2019

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

JEROME LEMEAL WILLIAMS,

Plaintiff - Appellant,

v.

WENDY DUFFY, Administrative Law
Judge, Judge; et al.,

Defendants - Appellees.

No. 19-15316

D.C. No. 5:18-cv-06921-BLF
U.S. District Court for Northern
California, San Jose

REFERRAL NOTICE

This matter is referred to the district court for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(a)(3); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds the appeal to be frivolous).

If the district court elects to revoke in forma pauperis status, the district court is requested to notify this court and the parties of such determination within 21 days of the date of this referral. If the district court does not revoke in forma pauperis status, such status will continue automatically for this appeal pursuant to Fed. R. App. P. 24(a).

This referral shall not affect the briefing schedule previously established by this court.

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

APPENDIX B

United States Northern District Court

CV-06921-BLF/18-CV-05767

Jerome Lemeal Williams v. Wendy Duffy et al

APPENDIX B

United States Northern District Court

CV-06921-BLF/ 18-CV-05767

Williams v. Diff et al

- I. Order revoking in Forma pauperis status February 27, 2019.
- II. Order denying Administrative motion to file audio and video February 14, 2019.
- III. Judgement February 14, 2019.
- IV. Order continuing case management til April 18th 2019 filed February 11, 2019.
- V. Order dismissing screening complaint and T.R.O January 3, 2019.
- VI. Order reassigning case October 30, 2019.
- VII. Order granting motion to process in Forma pauperis October 1, 2019.
- VIII. Order setting initial case. 9/30/18

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEROME LEMEAL WILLIAMS,

Plaintiff,

v.

WENDY DUFFY, et al.,

Defendants.

Case No. 18-cv-06921-BLF

**ORDER REVOKING PLAINTIFF'S IN
FORMA PAUPERIS STATUS**

[Re: ECF 25]

On February 25, 2019, the United States Court of Appeals for the Ninth Circuit issued a Referral Notice, referring the above-captioned case to the undersigned "for the limited purpose of determining whether in forma pauperis status should continue for [Plaintiff's] appeal or whether the appeal is frivolous or taken in bad faith." *See* ECF 25. For the reasons discussed below, the undersigned concludes that Plaintiff's in forma pauperis status should be REVOKED.

The undersigned granted Plaintiff's application to proceed in forma pauperis in the district court based solely on a determination that Plaintiff was unable to afford the court filing fees. *See* ECF 8. The Ninth Circuit's current referral presents a separate question, whether Plaintiff's in forma pauperis status should be revoked on the basis that the appeal is frivolous. "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). An appeal is taken in good faith for purposes of § 1915 if it presents any issue that is not frivolous. *See Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) ("If at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted for the case as a whole.").

1 The undersigned dismissed Plaintiff's first amended complaint without leave to amend on
2 the grounds that Plaintiff had neither articulated a cognizable federal claim nor given any
3 indication that he could do so if granted further leave to amend. See ECF 20. On this record, it
4 does not appear that reasonable minds could differ with respect to those grounds for dismissal.
5 Accordingly, the undersigned concludes that Plaintiff's appeal is frivolous. On that basis
6 Plaintiff's in forma pauperis status is REVOKED.

7 **IT IS SO ORDERED.**

8
9 Dated: February 27, 2019



BETH LABSON FREEMAN
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEROME LEMEAL WILLIAMS,

Plaintiff,

v.

WENDY DUFFY, et al.,

Defendants.

Case No. 18-cv-06921-BLF

**ORDER DENYING ADMINISTRATIVE
MOTION TO FILE AUDIO AND
VIDEO FILES IN SUPPORT OF FIRST
AMENDED COMPLAINT;
SCREENING FIRST AMENDED
COMPLAINT UNDER 28 U.S.C. § 1915;
DISMISSING FIRST AMENDED
COMPLAINT WITHOUT LEAVE TO
AMEND; AND DISMISSING ACTION
WITH PREJUDICE**

[Re: ECF 13, 14]

Plaintiff Jerome Lemeal Williams, proceeding pro se, filed the complaint in this action on November 15, 2018 along with an application to proceed in forma pauperis. *See* ECF 1, 4. The Court granted Plaintiff's application to proceed in forma pauperis and conducted a mandatory initial screening of the complaint under 28 U.S.C. § 1915. *See* ECF 8, 11. The Court dismissed the complaint with leave to amend, stating that it could not discern any coherent claim from Plaintiff's allegations, which touched on a wide variety of subjects including Plaintiff's conviction for rape, removal of Plaintiff's children from his custody, the mental illness and disappearance of an individual named Clara L. Quarels, Plaintiff's termination from employment, and the over-medication of Plaintiff's grandfather. *See* ECF 11.

On January 24, 2019, Plaintiff timely filed a first amended complaint ("FAC"), a declaration in support of the FAC, and an administrative motion for leave to file audio and video files in support of the FAC. *See* ECF 13, 14, 16. For the reasons discussed below, the administrative motion is DENIED, the FAC is DISMISSED WITHOUT LEAVE TO AMEND, and the action is DISMISSED WITH PREJUDICE.

I. DISCUSSION

As set forth in the Court's prior order screening Plaintiff's original complaint, any complaint filed by a person proceeding in forma pauperis pursuant to 28 U.S.C. § 1915(a) is subject to mandatory and sua sponte review by the Court. *See* 28 U.S.C. § 1915(e)(2). The Court *must* dismiss the complaint if it is frivolous or malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). In this context, a complaint "is frivolous where it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A complaint fails to state a claim unless it "contain[s] sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when it "allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*

Plaintiff's FAC must be dismissed under these standards. In reaching this conclusion, the Court has considered the facts alleged in both the FAC and in Plaintiff's supporting declaration. Those facts simply do not state any coherent claim. The Court notes that Plaintiff has filed an administrative motion seeking leave to submit audio and video files in support of his FAC. That motion is DENIED. Plaintiff must allege facts in his written pleading which, if proved, would entitle him to relief. The contents of the audio and video files are not relevant to the Court's determination whether Plaintiff has satisfied his pleading burden.

Plaintiff's FAC contains little in the way of factual allegations, for the most part directing the reader to Plaintiff's declaration for the relevant facts. The FAC does list 20 defendants, both individuals and entities, and does state that Plaintiff sues under 42 U.S.C. § 1983. Under the "Basis for Jurisdiction" section of the FAC, Plaintiff alleges that Monterey County "used its peace officers to bully, harass, and deprive private citizens of their civil liberties." FAC at 3, ECF 13. Neither the FAC nor the supporting declaration explain how or when Monterey County peace officers engaged in such conduct. The declaration contains numerous references to the Seaside Police Department, describing an "altercation" between Plaintiff and Seaside Police Officers in 2000, Decl. ¶ 3; Plaintiff's arrest in 2011 "for four different felonies about my registration and

being around kids,” Decl. ¶¶ 13-14; and a conversation between Plaintiff and Seaside Police Officer Higgins in 2017 in which Officer Higgins allegedly mentioned Plaintiff’s rape conviction and stated that Plaintiff would not see his children again until they turn 18, Decl. ¶¶ 44. Plaintiff does not explain how these interactions violated his civil rights so as to give rise to a claim under 42 U.S.C. § 1983.

The declaration as a whole, which comprises 62 paragraphs, describes in narrative fashion various events in Plaintiff’s life during the period 2000 to 2018. The recitation of events is disjointed – little or no context is given with respect to many of the events, and the relationship of the events to each other is unclear. Plaintiff appears to believe that he was treated unfairly by numerous persons during this time period, including: judges and lawyers involved in several criminal prosecutions against him; social services personnel who removed his children from his custody; hospital staff; school district personnel; and church personnel. *See* Decl. ¶¶ 3-62.

Even applying the most liberal of standards to the FAC and declaration, the Court cannot discern any cognizable federal claim. Based on Plaintiff’s failure to cure the deficiencies in his original complaint, and absent any indication that he could allege a viable claim if granted further leave to amend, the Court concludes that amendment would be futile. The Court therefore DISMISSES the FAC WITHOUT LEAVE TO AMEND under 28 U.S.C. § 1915(e)(2)(B) and DISMISSES the action WITH PREJUDICE. *See Hicks v. Rowe*, 498 F. App’x 737 (9th Cir. 2012) (affirming dismissal without leave to amend under § 1915(e)(2)(B) where complaint failed to state a claim and amendment would have been futile).

III. ORDER

(1) Plaintiff’s first amended complaint is DISMISSED WITHOUT LEAVE TO AMEND; and

(2) The action is DISMISSED WITH PREJUDICE.

Dated: February 14, 2019



BETH LABSON FREEMAN
United States District Judge

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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN JOSE DIVISION
6

7 JEROME LEMEAL WILLIAMS,

8 Plaintiff,

9 v.

10 WENDY DUFFY, et al.,

11 Defendants.

Case No. 18-cv-06921-BLF

JUDGMENT

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14 Plaintiff's first amended complaint having been dismissed without leave to amend and the
15 action having been dismissed with prejudice,

16 It is hereby ordered and adjudged that Plaintiff take nothing by this action and that

17 Judgment is entered for Defendants and against Plaintiff.
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19 Dated: February 14, 2019

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21 BETH LABSON FREEMAN
22 United States District Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEROME LEMEAL WILLIAMS,

Plaintiff,

v.

WENDY DUFFY, et al.,

Defendants.

Case No. 18-cv-06921-BLF

**ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE
FROM FEBRUARY 14, 2019 AT 11:00
A.M. TO APRIL 18, 2019 AT 11:00 A.M.**

Plaintiff Jerome Lemeal Williams, proceeding pro se, alleges violations of his civil rights by numerous state superior courts, police departments, and other entities and individuals. The Court granted Plaintiff's application to proceed *in forma pauperis* and dismissed his complaint with leave to amend after conducting a mandatory initial screening as required under 28 U.S.C. § 1915(e). *See* ECF 11. Plaintiff filed a first amended complaint on January 24, 2019, which also is subject to initial screening under 28 U.S.C. § 1915(e). Unless and until the Court determines that Plaintiff has stated a viable claim, the Court will not order service of process on Defendants by the United States Marshal. Under these circumstances, the Court finds it appropriate to continue the Initial Case Management Conference for approximately sixty days.

Accordingly, the Initial Case Management Conference is CONTINUED from February 14, 2019 at 11:00 a.m. to April 18, 2019 at 11:00 a.m.

IT IS SO ORDERED.

Dated: February 11, 2019



BETH LABSON FREEMAN
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEROME LEMEAL WILLIAMS,

Plaintiff,

v.

WENDY DUFFY, et al.,

Defendants.

Case No. 18-cv-06921-BLF

**ORDER SCREENING COMPLAINT
UNDER 28 U.S.C. § 1915; DISMISSING
COMPLAINT WITH LEAVE TO
AMEND; AND DENYING MOTION
FOR TEMPORARY RESTRAINING
ORDER AND FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

[Re: ECF 1, 9]

Plaintiff Jerome Lemeal Williams, proceeding pro se, seeks an award of damages in the amount of ten billion dollars for alleged violations of his civil rights by multiple state superior courts and police departments, a public defender's office, a church, a hospital, individual superior court judges, and others. *See* Compl., ECF 1; Pl.'s Decl., ECF 2. On December 21, 2018, the Court granted Plaintiff's application to proceed in forma pauperis based upon Plaintiff's showing that he cannot pay the filing fees necessary to pursue the action. *See* Order Granting IFP Application, ECF 8. The Court indicated that it would conduct the initial screening of Plaintiff's complaint required by 28 U.S.C. § 1915 as soon as was practicable. *See id.* The Court has conducted the initial screening, and for the reasons discussed below Plaintiff's complaint is DISMISSED WITH LEAVE TO AMEND.

On December 31, 2018, Plaintiff filed a "Notice and Motion for Emergency TRO, Order to Show Cause Re: Preliminary Injunction, Amend Claim and Declaration." *See* ECF 9. On January

1, 2018, Plaintiff filed a second document titled "Notice and Motion for Emergency TRO, Order to Show Cause Re: Preliminary Injunction, Amend Claim and Declaration." *See* ECF 10. For the reasons discussed below, Plaintiff's motion for a temporary restraining order ("TRO"), and for an Order to Show Cause Re: Preliminary Injunction, is DENIED. To the extent that Plaintiff seeks to amend his claims, leave to amend is granted in connection with the dismissal of the complaint.

I. SCREENING OF COMPLAINT UNDER 28 U.S.C. § 1915

A. Legal Standard

A complaint filed by any person proceeding in forma pauperis pursuant to 28 U.S.C. § 1915(a) is subject to mandatory and sua sponte review by the Court. *See* 28 U.S.C. § 1915(e)(2). The Court *must* dismiss the complaint if it is frivolous or malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). In this context, a complaint "is frivolous where it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A complaint fails to state a claim unless it "contain[s] sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when it "allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*

B. Discussion

Plaintiff's complaint is subject to dismissal under these standards. Plaintiff's complaint, and accompanying declaration, are difficult to understand. *See* Compl., ECF 1; Pl.'s Decl., ECF 2. Neither document contains labeled claims, and the allegations set forth in the documents are disjointed and hard to follow. Plaintiff's claims appear to be based in part on his conviction for rape, which Plaintiff alleges was unjust because the public defender's office refused to represent him, the alleged victims lied, and the rape kits came back negative. Pl.'s Decl. at 4, ECF 2. He sues Judge Wendy Duffy, who presided over Plaintiff's rape trial, as well as the public defender's office. *Id.*

Other claims appear to be based on the conduct of Child Protective Services, which

1 allegedly removed Plaintiff's children from his custody and performed a rape examination on his
2 oldest daughter without parental consent. Pl.'s Decl. at 6, ECF 2. Plaintiff also refers to the
3 mental illness and disappearance of Clara L. Quarels, who appears to be the mother of at least one
4 of Plaintiff's children. Pl.'s Decl. at 2-3, ECF 2. Plaintiff also lists jobs from which he was fired,
5 and he describes the over-medication of his grandfather. Pl.'s Decl. at 6, ECF 2.

6 These allegations do not set forth any coherent claims. Accordingly, the complaint is
7 subject to dismissal under Rule 12(b)(6). Moreover, to the extent that Plaintiff sues Judge Duffy
8 for the manner in which she conducted Plaintiff's rape trial, Judge Duffy is immune from suit. "A
9 judge enjoys total immunity from suit for her actions except in two instances: when the judge's
10 actions are nonjudicial actions, i.e., actions not taken in the judge's judicial capacity, or when the
11 judge's actions, though judicial in nature, are taken in the complete absence of all jurisdiction."
12 *Wright-Bolton v. Andress-Tobiasson*, 696 F. App'x 258, 259 (9th Cir. 2017) (internal quotation
13 marks, citations, and alterations omitted).

14 Plaintiff's complaint is DISMISSED WITH LEAVE TO AMEND.

15 If Plaintiff chooses to amend, he should identify each claim and set forth facts supporting
16 that claim in as clear a manner as possible. To the extent Plaintiff is seeking to assert civil rights
17 violations under 42 U.S.C. § 1983, he "must allege two essential elements: (1) that a right secured
18 by the Constitution or laws of the United States was violated, and (2) that the alleged violation
19 was committed by a person acting under the color of State law." *Long v. Cty. of Los Angeles*, 442
20 F.3d 1178, 1185 (9th Cir. 2006). The Court is unable to discern any other possible federal or state
21 law claims Plaintiff may be attempting to raise.

22 **II. MOTION FOR TRO AND FOR ORDER TO SHOW CAUSE RE:**

23 **PRELIMINARY INJUNCTION**

24 **A. Legal Standard**

25 The standard for issuing a temporary restraining order is identical to the standard for
26 issuing a preliminary injunction. *Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush & Co.*, 240 F.3d
27 832, 839 n.7 (9th Cir. 2001). The plaintiff "must establish that he is likely to succeed on the
28 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the

1 balance of equities tips in his favor, and that an injunction is in the public interest. *Winter v. Nat.*
 2 *Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). “[I]f a plaintiff can only show that there are serious
 3 questions going to the merits – a lesser showing than likelihood of success on the merits – then a
 4 preliminary injunction may still issue if the balance of hardships tips sharply in the plaintiff’s
 5 favor, and the other two *Winter* factors are satisfied.” *Friends of the Wild Swan v. Weber*, 767
 6 F.3d 936, 942 (9th Cir. 2014) (internal quotation marks and citations omitted).

7 **B. Discussion**

8 Plaintiff seeks a TRO, and an Order to Show Cause Re: Preliminary Injunction, to obtain
 9 the following relief:

- 10 1. File emergency restraining order against Monterey County (Local Government)
 11 in order to stop any and all excessive legalities against my children, their mothers
 12 and myself.
- 13 2. Ask for the court to grant me access to all my personal, medical, legal documents
 14 pertaining to claim filed against Monterey County and its Local Government.
- 15 3. Request postponement of eviction of Melissa Menchaca the mother of my
 16 daughter, for it has been done in retaliation for being the only person in the world
 17 trying to help me first with my Wrongful Conviction and also in 2017 while my
 18 three young children and their mother were being denied their civil and human
 19 rights from the County of Monterey and Every county and state department
 20 designed for the safety of children, woman and disabled adults.
- 21 4. Ask for CPS to release records of any and all complete reports regarding my
 22 children, including DW (18), AW(11), RW(8), JW(8), AMW(7).

23 Notice of Motion and Motion for Emergency TRO at 6, ECF 9.

24 In light of the Court’s determination that Plaintiff’s complaint fails to state a claim, he
 25 cannot establish that he is likely to succeed or that there are serious questions going to the merits
 26 of his claims. Having reached this conclusion, the Court need not reach the remainder of the
 27 *Winter* factors. See *Pimentel v. Dreyfus*, 670 F.3d 1096, 1111 (9th Cir. 2012) (“[A]t an irreducible
 28 minimum the moving party must demonstrate a fair chance of success on the merits, or questions

1 serious enough to require litigation.” (internal quotation marks and citation omitted)).

2 Plaintiff’s motion for a TRO is DENIED. Plaintiff’s motion for an Order to Show Cause
3 Re: Preliminary Injunction, which is based on the identical grounds as the motion for TRO,
4 likewise is DENIED.

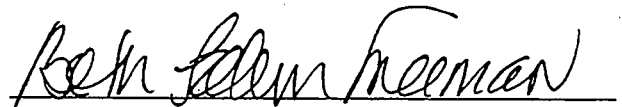
5 **III. ORDER**

6 (1) Plaintiff’s complaint is DISMISSED WITH LEAVE TO AMEND.

7 (2) Any amended pleading shall be filed on or before January 24, 2019. Leave to
8 amend is limited to the claims and parties alleged in the original complaint.
9 Plaintiff may not add claims or parties without obtaining prior leave of the Court.

10 (3) Plaintiff’s motion for a TRO, and for an Order to Show Cause Re: Preliminary
11 Injunction, is DENIED.

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13 Dated: January 3, 2019

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15 BETH LABSON FREEMAN
16 United States District Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEROME LEMEAL WILLIAMS,

Plaintiff,

v.

THE CLERK OF THE BOARD COUNTY
OF MONTEREY,

Defendant.

Case No. 18-cv-05767-NC

ORDER REASSIGNING CASE

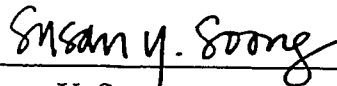
GOOD CAUSE APPEARING THEREFORE,

IT IS ORDERED that this case is reassigned to the **Honorable Beth Labson Freeman** in the **SAN JOSE** division for all further proceedings. Counsel are instructed that all future filings shall bear the initials BLF immediately after the case number.

All hearing **and** trial dates presently scheduled are vacated. However, existing briefing schedules for motions remain unchanged. Motions must be renoticed for hearing before the judge to whom the case has been reassigned, but the renoticing of the hearing does not affect the prior briefing schedule. Other deadlines such as those for ADR compliance and discovery cutoff also remain unchanged.

Dated: October 30, 2018

FOR THE EXECUTIVE COMMITTEE



Susan Y. Soong
Clerk, United States District Court

A true and correct copy of this order has been served by mail upon any pro se parties.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEROME WILLIAMS,

Plaintiff,

v.

THE CLERK OF THE BOARD,
COUNTY OF MONTEREY,

Defendant.

Case No. 18-cv-05767-NC

**ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS
AND SCREENING COMPLAINT
UNDER 28 U.S.C. § 1915;
DISMISSING WITH LEAVE TO
AMEND**

Plaintiff Jerome Lemeal Williams moves to pursue a case in forma pauperis under 28 U.S.C. § 1915(a). Dkt. No. 2. The Court GRANTS the motion to proceed in forma pauperis and screens the complaint as required by § 1915(e)(2)(B). In screening the complaint, the Court FINDS that Williams's complaint fails to state a valid claim and therefore it is DISMISSED with leave to amend.

I. IN FORMA PAUPERIS APPLICATION

A district court may authorize the commencement of a civil action in forma pauperis if it is satisfied that the would-be plaintiff cannot pay the filing fees necessary to pursue the action. 28 U.S.C. § 1915(a)(1).

The Court has reviewed Williams's IFP application and finds that Williams is unable to afford court filing fees. Williams declares under penalty of perjury that he is unemployed, and his only financial support comes from another person's disability

income. Dkt. No. 2 at 2. The Court therefore GRANTS the motion to proceed in forma pauperis.

II. SCREENING UNDER 28 U.S.C. § 1915(e)(2)(B)

A. Legal Standard

A complaint filed by any person proceeding in forma pauperis pursuant to 28 U.S.C. § 1915(a) is subject to a mandatory and sua sponte review and dismissal by the Court if the complaint is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1126–27 (9th Cir. 2000) (en banc). A complaint is frivolous for purposes of 28 U.S.C. § 1915(e)(2)(B) if it lacks an arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Similarly, a complaint fails to state a claim under Rule 12(b)(6) unless it includes sufficient facts that, accepted as true, state a claim “that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation marks omitted); see also *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

B. Summary of the Complaint

Williams’s complaint brings claims under the First, Fifth, and Fourteenth Amendments. Dkt. No. 1 at 3. He requests damages of \$10 billion. *Id.* at 4. The statement of Williams’s claim is as follows: “FILE A COMPLAINT AGAINST MONTEREY COUNTY CLERK OF BOARD FOR BREAKING 14 AMENDMENT SECTION 1 CLAUSE 2. DUE PROCESS.” *Id.* at 4. The relief requested includes holding Monterey County responsible for its ongoing abuse of Williams’s family due to its negligence and compensation for Williams’s children and their mother for the loss of their home, belongings, furniture, and memories. *Id.* Williams also requests that the Seaside Police Department, the Community Hospital of Monterey Peninsula Emergency Staff, and Garden Pavilion [sic] Ward be charged for negligence. *Id.* at 5. Williams lists a number of persons, including “3/4 of the citizens of Monterey County,” as having knowledge relevant to the claim. *Id.* at 6.

1 More detail on Williams's allegations is provided in an insurance claim included in
2 the complaint. *See id.* at 10–11. There, Williams states that the mental disability of
3 “Clara” was “exploited,” that she was “isolated,” and that his three children were
4 “mentally abus[ed],” “forc[ed] to sell candies under her bookclub all hours of the day and
5 night, mentally abusing them telling them no one loved them and couldn’t save them . . .
6 not allowing them to leave the home to play outside, go to church, or our prearranged
7 weekend visits.” *Id.* at 10. Williams further alleges that “Clara L. Quarles” was tortured
8 for “11+ months” including “taking her food stamps and isolating her, keeping her from
9 her family, friends, church, physicians, medications, etc.” *Id.* Ms. Quarles also allegedly
10 lost her home and all of her clothes, furniture, personal belongings, and children’s toys.
11 *Id.*

12 C. Analysis

13 The Court evaluates whether the facts pleaded in the complaint support a plausible
14 claim for relief under Fed. R. Civ. Pro. 12(b)(6). Under Rule 8(a), a complaint must
15 include a short and plain statement showing that the pleader is entitled to relief. *See Fed.*
16 *R. Civ. P. 8(a).* Although a complaint need not allege detailed factual allegations, it must
17 contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible
18 on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Also, a claim must
19 include a demand for the relief sought. *See Fed. R. Civ. P. 8(a)(3).*

20 Here, Williams fails to allege sufficient facts to plead a facially plausible claim.
21 While his complaint includes concerning allegations of abuse, the complaint primarily
22 includes legal conclusions rather than factual details of what occurred. *See Dkt. No. 1 at 4.*
23 The “Statement of Claim” section of Williams’s complaint lists constitutional provisions
24 but does not describe any facts that underly this case. *Id.*

25 Williams also fails to state a claim because he appears to include allegations of
26 damages incurred by Clara Quarles and three children rather than himself. Williams may
27 not bring a claim as a plaintiff requesting damages on behalf of other persons. In order to
28 plead a claim based on harm done to Ms. Quarles and/or the three children, those

1 individuals may be named as plaintiffs in the case.

2 Further, Williams's demand for relief sought is facially implausible under Fed. R.
3 Civ. P. 12(b)(6) and frivolous under 28 U.S.C. § 1915(d). Williams demands \$10 billion
4 in damages. *See* Dkt. No. 1 at 4. Williams states that "10 billion is nothing considering
5 the amount [he] lost in the 18 years and the amount of damages done not only to [his] own
6 life but to [his] 6 children and their mothers." *Id.* Williams provides no information about
7 how this monetary amount was calculated or on what it is based. Therefore, the claim for
8 this amount of money damages is frivolous because it is without any factual basis. *See*
9 *Watson v. Ault*, 525 F.2d 886, 891 (5th Cir. 1976) (holding that the 1915(d) determination
10 of frivolity is defined as lacking "arguable merit" or factual basis). Again here, Williams
11 appears to be claiming money damages on behalf of other people (his six children and their
12 mothers) who, as discussed above, may be named as plaintiffs in this case but may not be
13 represented by Williams.

14 III. CONCLUSION

15 In conclusion, the Court GRANTS Williams's motion to proceed in forma pauperis
16 and FINDS that the complaint fails to state a claim under Fed. R. Civ. Pro. 8(a) and 28
17 U.S.C. § 1915. Williams is invited to submit an amended complaint by **October 22, 2018**
18 and is advised to consult with the Court's Pro Se Program for assistance in doing so. To
19 make an appointment with the Federal Pro Se Program, please call (408) 297-1480 or drop
20 in their office at the San Jose Federal Courthouse. More information on how to contact
21 Federal Pro Se Program was included in the Pro Se Welcome Letter tendered to Williams
22 on September 21, 2018. *See* Dkt. No. 6.

23
24 **IT IS SO ORDERED.**

25
26 Dated: October 1, 2018


NATHANAEL M. COUSINS
United States Magistrate Judge

ORIGINAL
FILED
SEP 20 2018
Suzanne Y. Sperry
Clerk, U.S. District Court
Northern District of California
San Jose

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEROME LEMEAL WILLIAMS,
Plaintiff,

v.

CLERK OF THE BOARD COUNTY OF
MONTEREY,
Defendant.

Case No. 18-cv-05767-NC

**ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE
AND ADR DEADLINES**

IT IS HEREBY ORDERED that this action is assigned to the Honorable Nathanael M. Cousins . When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order, the Notice of Assignment of Case to a United States Magistrate Judge for Trial, and all other documents specified in Civil Local Rule 4-2. Plaintiffs or removing parties must file a consent or declination to proceed before a magistrate judge within 14 days of the filing of the complaint or the removal. All other parties must file a consent or declination within 14 days of appearing in the case. All parties who have made an appearance must file a consent or declination within 7 days of the filing of a dispositive motion or the case will be reassigned to a district court judge. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients shall familiarize themselves with that rule and with the material entitled "Dispute Resolution Procedures in the Northern District of California" on the Court ADR Internet site at <http://www.cand.uscourts.gov/adr>. A limited number of printed copies are available from the Clerk's Office for parties in cases not subject to the court's Electronic Case Filing program (ECF).

IT IS FURTHER ORDERED that plaintiff or removing defendant serve upon all parties

the brochure entitled "Consenting To A Magistrate Judge's Jurisdiction In The Northern District Of California", additional copies of which can be downloaded from the court's Internet website: <http://www.cand.uscourts.gov>.

CASE SCHEDULE – ADR MULTI-OPTION PROGRAM		
Date	Event	Governing Rule
9/20/2018	Complaint Filed	
11/28/2018	*Last day to: • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan	<u>FRCivP 26(f) & ADR L.R.3-5</u>
	• file ADR Certification signed by Parties and Counsel (form available at http://www.cand.uscourts.gov)	<u>Civil L.R. 16-8(b) & ADR L.R. 3-5(b)</u>
12/12/2018	**Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement (also available at http://www.cand.uscourts.gov)	<u>FRCivP 26(a) (1)</u> <u>Civil L.R. 16-9</u>
12/19/2018	INITIAL CASE MANAGEMENT CONFERENCE (CMC) at 10:00 AM in: 4th Floor, Courtroom 7 Robert F. Peckham Federal Building 280 South 1st Street San Jose, CA 95113	<u>Civil L.R. 16-10</u>

* If the Initial Case Management Conference is continued, unless otherwise ordered this deadline is continued to 21 days in advance of the Initial Case Management Conference.

** If the Initial Case Management Conference is continued, unless otherwise ordered this deadline is continued to 7 days in advance of the Initial Case Management Conference.

APPENDIX H

Court of Appeal of the State of California Sixth Appellate District

The People v. Jerome Lemeal Williams

Case No. H022385

Superior Court of California, County Of Monterey

People of State of California v Williams Jerome

Case No.'s (SS00123A/MS001231A)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY**

Date: 3/13/2002

Hon. WENDY C. DUFFY

Judge;

Edith Muenzenberger

Deputy Clerk

Bailiff;

Reporter

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff(s),

vs.

JEROME LEMEAL WILLIAMS,

Defendant(s).

No.

CASE #: SS001231

Minute Order:

RE: DISPOSAL OF RECORDS

☒ Business Records

☒ Medical Records

Type of Case for

Statistical Count: _____

APPEARANCES:


The Court is informed that the Clerk of the Court is in possession of Business/Medical Records pertaining to the above-entitled case. This matter having been disposed of and/or fully adjudicated on 11/29/2000.

Good cause appearing, the Court orders that the Business/Medical Record(s) not introduced in evidence in the above-entitled action be returned or destroyed as indicated below pursuant to Evidence Code Sec. 1560 et Seq.

☐ **ORIGINAL** records not introduced in evidence or required as part of the record are returned to the person or entity from whom received.

☒ **COPIES** of records not introduced in evidence or required as part of the record to be destroyed.

DATED: 3/21/02


Judge of the Superior Court
WENDY C. DUFFY

ORIGINAL

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

Office of the County Clerk
Monterey County Superior Court
240 Church Street, Rm. 320
Salinas, CA 93901

FILED

OCT 04 2001

RE: THE PEOPLE,
Plaintiff and Respondent,
v.
JEROME LEMEAL WILLIAMS,
Defendant and Appellant.
H022385
Monterey County No. SS001231

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
E. Chan DEPUTY

** REMITTITUR **

I, MICHAEL J. YERLY, Clerk of the Court of Appeal of the State of California, for the Sixth Appellate District, do hereby certify that the attached is a true and correct copy of the original opinion or decision entered in the above-entitled cause on August 3, 2001, and that this decision has now become final.

☐ Appellant ☐ Respondent to recover costs
☒ Each party to bear own costs
☐ Costs are not awarded in this proceeding
☐ See decision for costs determination

Witness my hand and the seal of the Court affixed at my office on

OCT 8 2001

MICHAEL J. YERLY, Clerk

By:

[Signature]

Deputy

Receipt of the original remittitur in the above case is hereby acknowledged.

Dated:

County Clerk

By:

Deputy

✓

Mihara, J.

We concur:

Premo, Acting P.J.

Elia, J.

People v. Williams
H022385

RECEIVED

AUG 07 2001

SHERRIL L. PEDERSEN
CLERK OF THE COURT

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

COPY

THE PEOPLE,

Plaintiff and Respondent,

v.

JEROME LEMEAL WILLIAMS,

Defendant and Appellant.

H022385

(Monterey County

Super. Ct. No. SS001231)

Defendant Jerome Lemeal Williams appeals from a judgment of conviction entered after he pleaded no contest to sexual battery (Pen. Code, § 243.4, subd. (a)). The trial court sentenced defendant to state prison for three years. We appointed counsel to represent defendant in this court.

Appointed counsel filed an opening brief which states the case and the facts but raises no specific issues. We notified defendant of his right to submit written argument in his own behalf within 30 days. That period has elapsed and we have received no written argument from defendant.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there is no arguable issue on appeal.

The judgment is affirmed.

RECEIVED

AUG 07 2001

SHERRI L. PEDERSEN
CLERK OF THE COURT
DEPUTY

H022385

To file —
mmj

Hon. Wendy Duffy
Judge of the Superior Court
Monterey County Superior Court
240 Church Street, Rm. 320
Salinas, CA 93901

**ABSTRACT OF JUDGMENT—PRISON COMMITMENT—DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**
[Not to be used for multiple count convictions or for 1/3 consecutive sentences]

<input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF: <u>MONTEREY</u> <input type="checkbox"/> MUNICIPAL BRANCH OR JUDICIAL DISTRICT: <u>SALINAS</u>		<div style="font-size: 2em; font-weight: bold;">FILED</div> <div style="font-size: 1.2em;">JUL 18 2001</div> <div style="font-size: 0.8em;">SHERIFF PEDERSEN CLERK SETTE SUPERIOR COURT DEPUTY</div>	
PEOPLE OF THE STATE OF CALIFORNIA vs. DOB <u>05-31-80</u> DEFENDANT <u>JEROME LEMEAL WILLIAMS</u> AKA _____ CII# <u>A11346614</u> BOOKING # _____ <input type="checkbox"/> NOT PRESENT			CASE NUMBER: <u>SS001231A</u>
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT <input checked="" type="checkbox"/> AMENDED ABSTRACT			
DATE OF HEARING <u>11-29-00</u>	DEPT. NO. <u>2</u>		JUDGE <u>HON. WENDY C. DUFFY</u>
CLERK <u>ANGELICA PEREZ</u>	REPORTER <u>TINA GORRELL</u>	PROBATION NO. OR PROBATION OFFICER <u>DEREK E. OLINGER, DPO</u>	
COUNSEL FOR PEOPLE <u>ANGELA MCNULTY, DDA</u>		COUNSEL FOR DEFENDANT <u>TRACEY MOONEY, DPD</u> <input checked="" type="checkbox"/> APPTD	

1. Defendant was convicted of the commission of the following felony:				YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DAY/YEAR)			CONVICTED BY			TERM (L, M, U)	TIME IMPOSED	
CNT.	CODE	SECTION NUMBER	CRIME					JURY	COURT	PLEA		YRS.	MOS.
6	PC	243.4(A)	SEXUAL BATTERY BY RESTRAINT	2000	07	14	00			X	M	3	--

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS													
--	--	--	--	--	--	--	--	--	--	--	--	--	--

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

CNT	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

4. ☐ Defendant was sentenced pursuant to PC 667(b)-(1) or PC 1170.12 (two-strikes).

5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

- a. RESTITUTION FINE of: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5.
- b. RESTITUTION FINE of: \$ 600.00 per PC 1202.45 suspended unless parole is revoked.
- c. RESTITUTION of: \$ _____ per PC 1202.4(f) to ☐ victim(s)* ☐ Restitution Fund
 (*List victim name(s) if known and amount breakdown in Item 7, below.)
- (1) ☐ Amount to be determined. (2) ☐ Interest rate of: _____ % (not to exceed 10% per PC 1204.4(f)(3)(F)).
- d. ☐ LAB FEE of: \$ _____ for counts: _____ per H&SC 11372.5(a).
- e. ☐ DRUG PROGRAM FEE of \$150 per H&SC 11372.7(a).
- f. ☐ FINE of: \$ _____ per PC 1202.5.
6. TESTING: ☒ AIDS ☒ DNA pursuant to ☒ PC 1202.1 ☐ PC 290.2 ☒ other (specify): PC 296(A) (1)
7. Other orders (specify):

8. TOTAL TIME IMPOSED: 3 --

9. ☐ This sentence is to run concurrent with (specify):

10. Execution of sentence imposed

- a. ☒ at initial sentencing hearing.
- b. ☐ at resentencing per decision on appeal.
- c. ☐ after revocation of probation.
- d. ☐ at resentencing per recall of commitment. (PC 1170(d).)
- e. ☐ other (specify):

11. DATE SENTENCE PRONOUNCED <u>11-29-00</u>	CREDIT FOR TIME SPENT IN CUSTODY <u>184</u> INCLUDING:	TOTAL DAYS. <u>118</u>	ACTUAL LOCAL TIME <u>118</u>	LOCAL CONDUCT CREDITS <u>66</u>	<input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	SERVED TIME IN STATE INSTITUTION. <input type="checkbox"/> DMH <input type="checkbox"/> CDC <input type="checkbox"/> CRC
---	---	---------------------------	---------------------------------	------------------------------------	---	---

12. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to ☐ the reception center designated by the director of the California Department of Corrections.

☒ other (specify): NORTH KERN STATE PRISON, DELANO, CA

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE <u>Angelica Perez</u>	DATE <u>06-19-01</u>
---	-------------------------

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MONTEREY
ROUTE SLIP

TO: Erika J. Duff DATE: 6-13-01
FROM: Maria Perez EXT.

FOR YOUR:

- ☐ ACTION ☐ COMMENTS
☐ INFORMATION ☐ APPROVAL
☐ SIGNATURE ☐ INITIAL & PASS ON
☐ REPLY ☐ DISCUSS WITH ME
☐ AS YOU REQUESTED
☐ PLEASE RETURN
☐ CIRCULATE TO ALL JUDGES/STAFF
☐ OTHER:

should be (cont'd)

243.4(a)

pro. nunc. pro

that pro. nunc. pro

abstract to show
it to

DEPARTMENT OF CORRECTIONS

Legal Processing Unit

P.O. Box 942883

Sacramento, CA 94283-0001

(916) 323-4101



FILED

MAY 23 2001

SHERIFF
CLERK
McGee

May 23, 2001

Honorable Wendy C. Duffy
Judge of the Superior Court
County of Monterey
1200 Aguajito Road, 2nd Flr.
Monterey, CA 93940

Re: **WILLIAMS**, Jerome Lemeal
CDC No.: T-02939
Case No.: SS001231A
Date of Sentence: November 29, 2000

Dear Judge Duffy:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

- ✓ The Abstract of Judgment reflects, Count 1, PC 243.4(A), Sexual Battery By Restraint, with the middle term of 3 years imposed. The Minute order reflects Count 1, PC 261(A)(4), as being dismissed due to Motion of the District Attorney PC 1385 and Count 6 PC 243.4(A), Sexual Battery By Restraint, as being convicted. We have recorded as Count 6, PC 243.4(A), Sexual Battery By Restraint, pursuant to the Minute Order.

If this is not in accordance of the Court's intent, please advise this office. If this case is under appellate review, please forward a copy of this letter to the appellate attorney.

Sincerely,

KATHY MOORE
Correctional Case Records Manager

Eugenia Frye
By: EUGENIA FRYE
Correctional Case Records Analyst

cc: District Attorney
Public Defender
Inmate
Central File

SIXTH DISTRICT APPELLATE PROGRAM
100 Winchester Boulevard, Suite 310
Santa Clara, CA 95050
(408) 241-6171

Attorneys for Appellant

FILED

JAN 22 2001

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
C. Chen DEPUTY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

COPY

PEOPLE OF THE STATE OF CALIFORNIA)

vs.)

JEROME L. WILLIAMS)

Case No. H022385

MONTEREY County

Superior Court No. SS001231

RECOMMENDATION OF COUNSEL ON APPEAL

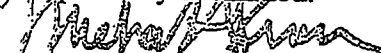
TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Notice is hereby given that the SIXTH DISTRICT APPELLATE PROGRAM recommends and wishes to associate with the hereinafter named attorney for purposes of representing the above-named appellant.

ALAN C. STERN

January 18, 2001

Respectfully submitted:



MICHAEL A. KRESSER

Executive Director

Attorney's Address:

ALAN C. STERN (State Bar #146245)
2626 HARRISON STREET

OAKLAND, CA 94612

Attorney's Phone:
(510) 841-6014

Appellant's Address:

JEROME L. WILLIAMS T-02939
North Kern State Prison -Delano
P.O. BOX 5000
Delano, CA 93216-5000

FILED

JAN 08 2001

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
E. Chan DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff/Respondent,

vs,

JEROME LEMEAL WILLIAMS,
Defendant/Appellant.

COURT OF APPEAL NO. H022385

SUPERIOR COURT NO. SS001231

RECEIPT FOR TRANSCRIPTS
ON APPEAL

To: COURT OF APPEAL
Sixth Appellate District
333 W. Santa Clara St., Ste. 1060
San Jose, CA 95113

FILED

JAN 17 2001

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
McGee DEPUTY

Please sign and return this receipt for the following:

☒ Clerk's Transcript on Appeal

☒ Reporter's Transcript on Appeal (I thru IV Volume(s))

Dated: January 3, 2001

SHERRI L. PEDERSEN,
Clerk of the Superior Court

E. Chan
E. Chan, Deputy

Above transcripts received on JAN 5 - 2001 by: *W. Magsaysay*

W. MAGSAYSAY

RECEIPT FOR TRANSCRIPTS ON APPEAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

FILED

JAN 03 2001

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
E. Chan DEPUTY

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff/Respondent,

vs,

JEROME LEMEAL WILLIAMS,
Defendant/Appellant.

COURT OF APPEAL NO. H022385

SUPERIOR COURT NO. SS001231

NOTICE OF UNDOCUMENTED ACTION

☒ Original Clerk's Transcript on Appeal

☒ Original Reporter's Transcript on Appeal

☐ Original Augmented Transcript on Appeal

forwarded to the Court of Appeal

☒ Copies forwarded to the Sixth District

☒ Copies forwarded to the Attorney General

☐ Copies forwarded to the Appellant

☐ Copies forwarded to the Respondent

Mailing Process:

☐ Via U.S. Mail

☒ Via UPS

Dated: January 3, 2001

SHERRI L. PEDERSEN,
Clerk of the Superior Court

E. Chan
E. Chan,

Deputy

NOTICE OF UNDOCUMENTED ACTION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,
Plaintiff and Respondent,

v.

JEROME LEMEAL WILLIAMS,
Defendant and Appellant.

H022385
Monterey County No. SS001231

FILED

DEC 20 2000

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
C. Chao DEPUTY

BY THE COURT:

Sixth District Appellate Program
100 N. Winchester Blvd.
Suite 310
Santa Clara, CA 95050

is appointed to represent the appellant on appeal. The County Clerk is directed to forward a copy of the record on appeal to the attorney named in this order immediately upon preparation.

Address of Appellant:

Jerome Lemeal Williams
California State Prison at San Quentin
San Quentin, CA 94974

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

FILED

DEC 13 2000

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
DEPUTY

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,

vs,

JEROME LENEAL WILLIAMS,
Defendant and Appellant.

COURT OF APPEAL NO.

SUPERIOR COURT NO. SS001251

CLERK'S NOTICE OF APPEAL

HON. WENDY C. DUFFY
PRESIDING

YOU ARE HEREBY NOTIFIED, pursuant to California Rules of Court, that Notice of Appeal herein was filed on November 29, 2000.

Dated: December 13, 2000

SHERRI L. PEDERSEN,
Clerk of the Superior Court

E. Chan.
E. Chan.

Deputy

CERTIFICATE OF MAILING: I do hereby certify that I am not a party to the within stated cause and that on December 13, 2000 I deposited true and correct copies of the above-entitled documents in sealed envelopes with postage thereon fully prepaid, in the mail at Monterey County Superior Court, Salinas, California, directed to each of the following named persons at their respective addresses, as hereinafter set forth:

COURT OF APPEAL
Sixth Appellant District
333 W. Santa Clara St., Ste. 1060
San Jose CA 95113

SIXTH DISTRICT APPELLATE PROGRAM
100 N. Winchester Blvd., Ste. 310
Santa Clara, CA 95050

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102

OFFICE OF THE DISTRICT ATTORNEY
Attn: A. McNulty
P.O. Box 1131
Salinas, CA 95901
(Via Interoffice mail)

Dated: December 13, 2000

E. Chan.
E. Chan,

Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MONTEREY

FILED

DEC 13 2000

SHERRI L PEDERSEN
CLERK OF THE SUPERIOR COURT
DEPUTY

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,

vs,

JEROME LEMEAL WILLIAMS,
Defendant and Appellant.

COURT OF APPEAL NO.

SUPERIOR COURT NO. SS901231

CLERK'S NOTICE OF APPEAL

HON. WENDY C. DUFFY
PRESIDING

YOU ARE HEREBY NOTIFIED, pursuant to California Rules of Court, that Notice of Appeal herein was filed on November 29, 2000.

Dated: December 13, 2000

SHERRI L PEDERSEN,
Clerk of the Superior Court

E. Chan
E. Chan.

Deputy

CERTIFICATE OF MAILING: I do hereby certify that I am not a party to the within stated cause and that on December 13, 2000 I deposited true and correct copies of the above-entitled documents in sealed envelopes with postage thereon fully prepaid, in the mail at Monterey County Superior Court, Salinas, California, directed to each of the following named persons at their respective addresses, as hereinafter set forth:

COURT OF APPEAL
Sixth Appellant District
333 W. Santa Clara St., Ste. 1060
San Jose CA 95113

SIXTH DISTRICT APPELLATE PROGRAM
100 N. Winchester Blvd., Ste. 310
Santa Clara, CA 95050

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102

OFFICE OF THE DISTRICT ATTORNEY
Attn: A. McNulty
P.O. Box 1131
Salinas, CA 93901
(Via Interoffice mail)

Dated: December 13, 2000

E. Chan
E. Chan,

Deputy

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MONTEREY
ROUTE SLIP

TO: Chief Judge Duffy DATE: 6-13-01
FROM: Maria Perez EXP. 6-13-01

FOR YOUR:

- ☐ ACTION ☐ COMMENTS
☐ INFORMATION ☐ APPROVAL
☐ SIGNATURE ☐ INITIAL & PASS ON
☐ REPLY ☐ DISCUSS WITH ME
☐ AS YOU REQUESTED
☐ PLEASE RETURN
☐ CIRCULATE TO ALL JUDGES/STAFF
☐ OTHER: _____

should be sent to

2434(a)

pro. not yet done

that pro. coming

abstract to show
at 6

**Additional material
from this filing is
available in the
Clerk's Office.**