

# APPENDIX A

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

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**Case Number:** 2:19-cv-05951-MWF-AFM

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# **APPENDIX B**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Immanuel F. Sanchez,

CASE NUMBER

2:19-cv-06015-MWF-RAO

PLAINTIFF(S)

v.

Manuel L. Real, et al.,

**ORDER RE REQUEST TO PROCEED  
IN FORMA PAUPERIS**

DEFENDANT(S)

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 Judges and court staff

Comments:

See attached statement of decision.

July 15, 2019

Date



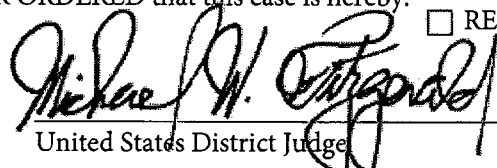
United States Magistrate Judge

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

☐ GRANTED☒ DENIED (see comments above). IT IS FURTHER ORDERED that this case is hereby:☒ DISMISSED.☐ REMANDED.

July 16, 2019

Date



United States District Judge

On July 10, 2019, Plaintiff Immanuel F. Sanchez ("Plaintiff"), proceeding *pro se*, filed a civil rights complaint ("Complaint") pursuant to 42 U.S.C. § 1983. (Compl., Dkt. No. 1.) Plaintiff also filed a Request to Proceed Without Prepayment of Filing Fees ("IFP Request"). (Dkt. No. 4.)

Plaintiff sues the late District Judge Manuel L. Real; Magistrate Judge Alexander F. MacKinnon; Kiry K. Gray, Clerk of Court for the Central District Court of California; seven deputy clerks; and ten Doe defendants for First, Fifth, Seventh, Ninth, Eleventh, and Thirteenth Amendment violations. (Compl. at 2, 6-16.) Plaintiff's claims arise from the defendants' handling of a prior lawsuit filed by Plaintiff. According to Plaintiff, Magistrate Judge MacKinnon recommended that Plaintiff be denied IFP status without holding a hearing or reviewing evidence. (*Id.* at 10.) District Judge Real then filed an order denying Plaintiff's IFP Request and dismissing the action. (*Id.*) Plaintiff moved to amend and appeal this order, and a deputy clerk filed a Notice of Discrepancy and Order. (*Id.* at 10-11.) District Judge Real filed an Order Certifying Appeal is Not Taken in Good Faith. (*Id.* at 11.) Kiry K. Gray and a deputy clerk issued a Filing Fee Letter that charged Plaintiff fees for his appeal. (*Id.*) Plaintiff filed another notice, and District Judge Real and another deputy clerk filed a Notice of Discrepancy and Order. (*Id.*) Plaintiff seeks injunctive relief, declaratory relief, \$1 billion in compensatory damages, \$10.1 billion in punitive damages, treble damages, and interest. (Compl. at 124-25.)

District Judge Real and Magistrate Judge MacKinnon are entitled to judicial immunity. Judicial immunity may be overcome only for nonjudicial actions, *i.e.*, actions not taken in the judge's judicial capacity, or for actions taken in the complete absence of all jurisdiction. *Mireles v. Waco*, 502 U.S. 9, 12, 112 S. Ct. 286, 288, 116 L. Ed. 2d 9 (1991). There are no such allegations here, as Plaintiff's claims arise only from the defendants' orders issued in a prior action.

The remaining defendants are entitled to quasi-judicial immunity. Plaintiff's allegations relate to deputy clerks filing Notices of Discrepancy and Orders and a Filing Fee Letter. Court clerks and other non-judicial officers enjoy quasi-judicial immunity for administrative acts that are part of the judicial process. *Ibeabuchi v. Penzone*, 741 F. App'x 508 (9th Cir. 2018); *In re Castillo*, 297 F.3d 940, 952 (9th Cir. 2002), *as amended* (Sept. 6, 2002); *see Mullis v. U.S. Bankr. Court for Dist. of Nevada*, 828 F.2d 1385, 1390 (9th Cir. 1987) (court clerks were entitled to quasi-judicial immunity because the filing of documents is an "integral part of the judicial process").

The Court is persuaded that Plaintiff is unable to allege any facts, based upon the circumstances he challenges, that would overcome the issue of immunity. Thus, amendment would be futile. *Hartmann v. Cal. Dep't of Corr. & Rehab.*, 707 F.3d 1114, 1130 (9th Cir. 2013) ("A district court may deny leave to amend when amendment would be futile.").

**For the reasons set forth above, the Court recommends that Plaintiff's IFP Request be denied and the action be dismissed without leave to amend.**

# APPENDIX C

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

IMMANUEL F. SANCHEZ,  
Plaintiff,

v.

MANUEL L. REAL, et al.,  
Defendants.

Case No. CV 19-06015 MWF (RAO)

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

On July 16, 2019, the Court dismissed Plaintiff's civil rights complaint, finding that Defendants were entitled to judicial or quasi-judicial immunity. Dkt. No. 7. Now before the Court is Plaintiff's Motion for Reconsideration ("Motion") of the July 16, 2019 order. Dkt. No. 8.

The Court finds this matter suitable for disposition without oral argument. *See* Local Rule 7-15. The hearing noticed for September 9, 2019, is hereby VACATED.

For the reasons below, Plaintiff's Motion is DENIED.

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1 **I. DISCUSSION**

2 Plaintiff asks that the Court reconsider its order denying his request to proceed  
3 *in forma pauperis* and dismissing his complaint. *See generally* Mot. Plaintiff seeks  
4 reconsideration under Local Rule 7-18. *See* Mot. at 3. Local Rule 7-18 provides:

5 A motion for reconsideration of the decision on any motion  
6 may be made only on the grounds of (a) a material  
7 difference in fact or law from that presented to the Court  
8 before such decision that in the exercise of reasonable  
9 diligence could not have been known to the party moving  
10 for reconsideration at the time of such decision, or (b) the  
11 emergence of new material facts or a change of law  
12 occurring after the time of such decision, or (c) a manifest  
13 showing of a failure to consider material facts presented to  
14 the Court before such decision. No motion for  
15 reconsideration shall in any manner repeat any oral or  
16 written argument made in support of or in opposition to the  
17 original motion.

18 First, Plaintiff contends that he has a due process right to a hearing. Mot. at 3.  
19 In support, Plaintiff cites a case in which a court heard oral argument on a motion for  
20 reconsideration. *Id.* (citing *In re Countrywide Fin. Corp. Mortg.-Backed Sec. Litig.*,  
21 966 F. Supp. 2d 1031, 1034 (C.D. Cal. 2013)). But the Court may dispense with oral  
22 argument on any motion except where an oral hearing is required by statute, the  
23 Federal Rules of Civil Procedure, or the Local Rules. *See* Local Rule 7-15. No  
24 hearing is required for a motion for reconsideration. *See, e.g., OEM Pac., Inc. v.*  
25 *Liberty Mut. Ins. Co.*, No. 2-17-CV-02143-SJO-AJW, 2018 WL 3357487, at \*1  
26 (C.D. Cal. June 22, 2018) (vacating a hearing and deciding a motion for  
27 reconsideration without oral argument); *Upton v. Fakhoury*, No. EDCV-13-02359-  
28 AB-PJW, 2017 WL 9807415, at \*1 (C.D. Cal. Mar. 23, 2017) (same); *Novelty Textile*  
*Inc. v. Wet Seal Inc.*, No. CV-130-5527-SJO-MRWX, 2014 WL 12608379, at \*1  
(C.D. Cal. Oct. 15, 2014) (same).

///



1       Second, Plaintiff contends that the Court failed to consider material facts that  
2 established that Defendants were not entitled to immunity. Mot. at 4-5. Specifically,  
3 Plaintiff notes that his complaint alleged that Defendants were “acting in  
4 administrative capacity and not judicial capacity,” “possessed a personal bias against  
5 Plaintiff,” stole services and filed false orders to extract money from Plaintiff,  
6 intentionally misled the public, and performed only ministerial duties. *Id.* Plaintiff  
7 alleged fraud, abuse of process, defamation, conversion, extortion, and racial bias.  
8 *Id.* Plaintiff also alleged that 28 U.S.C. § 1915(e)(2) is unconstitutional “because it  
9 authorizes the defendants to practice fraud, judicial absolutism, and immunity to  
10 secure judgment of dismissal for meritorious legal claims.” *Id.* at 5. The Court  
11 considered these facts, but the Court need not blindly accept conclusory allegations,  
12 unwarranted deductions of fact, or unreasonable inferences. *See Sprewell v. Golden*  
13 *State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001). Moreover, “judicial immunity is  
14 not overcome by allegations of bad faith or malice.” *Mireles v. Waco*, 502 U.S. 9,  
15 11, 112 S. Ct. 286, 288, 116 L. Ed. 2d 9 (1991); *see Pierson v. Ray*, 386 U.S. 547,  
16 554, 87 S. Ct. 1213, 1218, 18 L. Ed. 2d 288 (1967) (“[Judicial] immunity applies  
17 even when the judge is accused of acting maliciously and corruptly.”). Plaintiff’s  
18 conclusory allegations are insufficient to overcome judicial immunity.

19       Third, Plaintiff contends that the Court committed clear error in dismissing  
20 based on immunity, and it overlooked material law. Mot. at 6-7, 11-12. Plaintiff  
21 cites *Pulliam v. Allen*, 466 U.S. 522, 541-42, 104 S. Ct. 1970, 1981, 80 L. Ed. 2d 565  
22 (1984), and numerous non-controlling cases from other districts and circuits to argue  
23 that judicial immunity does not bar his request for equitable relief. Mot. at 6-7, 11-  
24 12. But the Ninth Circuit has held that “when a person who is alleged to have caused  
25 a deprivation of constitutional rights while acting under color of federal law can  
26 successfully assert judicial or quasi-judicial immunity from damages, that immunity  
27 also will bar declaratory and injunctive relief. The judicial or quasi-judicial  
28 immunity available to federal officers is not limited to immunity from damages, but

1 extends to actions for declaratory, injunctive and other equitable relief.” *Mullis v.*  
2 *U.S. Bankr. Court for Dist. of Nevada*, 828 F.2d 1385, 1394 (9th Cir. 1987)  
3 (distinguishing *Pulliam*).

4 Fourth, Plaintiff contends that the Court committed clear error by equating the  
5 failure to state a claim with frivolousness. Mot. at 7-9. However, the Court dismissed  
6 Plaintiff’s complaint on the basis of Defendants’ immunity, making no findings  
7 regarding frivolousness. *See generally* Dkt. No. 7.

8 Fifth, Plaintiff contends that the Court committed clear error by not permitting  
9 Plaintiff to serve the complaint, by acting without notice to Plaintiff, by not holding  
10 a hearing, and by not allowing Plaintiff to present evidence of his claims. Mot. at 9-  
11 10. The federal *in forma pauperis* statute authorizes the Court to dismiss a case at  
12 any time if the complaint fails to state a claim upon which relief may be granted. 28  
13 U.S.C. § 1915(e)(2). Thus, the Court had the authority to dismiss Plaintiff’s  
14 complaint instead of authorizing service of process or otherwise proceeding with the  
15 action. Plaintiff’s reliance on *Dodd v. Spokane Cty., Wash.*, 393 F.2d 330, 334-35  
16 (9th Cir. 1968), *Armstrong v. Rushing*, 352 F.2d 836 (9th Cir. 1965), and *Haines v.*  
17 *Kerner*, 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972), is unavailing, as the  
18 federal *in forma pauperis* statute has since been amended to specifically authorize  
19 dismissal under these circumstances. *See* Omnibus Consolidated Rescissions and  
20 Appropriations Act of 1996, Pub. L. 104-134 § 804, 110 Stat 1321 (Apr. 26, 1996)  
21 (amending 28 U.S.C. § 1915(e) to its current language).

22 Sixth, Plaintiff contends that the Court committed clear error by conceiving its  
23 duty to dismiss based on immunity. Mot. at 10-11. According to Plaintiff, the Court  
24 “exceed[ed] the proper bounds of advocacy” by *sua sponte* filing its own motion to  
25 dismiss, thereby assuming an adversarial, rather than neutral, role. *Id.* at 11. As  
26 previously discussed, the Court was within its power to dismiss a complaint that  
27 failed to state a claim upon which relief could be granted.


28 ///

1 Accordingly, Plaintiff has not established that he should be entitled to relief  
2 under Local Rule 7-18.

3 **II. ORDER**

4 For the foregoing reasons, the Court finds that Plaintiff has not demonstrated  
5 entitlement to relief pursuant to Local Rule 7-18. IT IS THEREFORE ORDERED  
6 that Plaintiff's Motion for Reconsideration is DENIED.

7  
8 DATED: *August 5, 2019*

  
MICHAEL W. FITZGERALD  
UNITED STATES DISTRICT JUDGE

# APPENDIX D

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Immanuel F. Sanchez,

PLAINTIFF(S),

v.

Manuel L. Real, et al.,

DEFENDANT(S).

CASE NUMBER:

2:19-cv-06015-MWF-RAO

**ORDER ON MOTION FOR LEAVE TO APPEAL IN  
FORMA PAUPERIS:**

☒ 28 U.S.C. 753(f)

☒ 28 U.S.C. 1915

The Court, having reviewed the Motion for Leave to Appeal In Forma Pauperis and Affidavit thereto, hereby **ORDERS**: *(The check mark in the appropriate box indicates the Order made.)*

- ☒ **The court has considered the motion and the motion is DENIED.** The Court certifies that the proposed appeal is not taken in good faith under 28 U.S.C. 1915(a) and is frivolous, without merit and does not present a substantial question within the meaning of 28 U.S.C. 753(f).

The Clerk is directed to serve copies of this Order, by United States mail, upon the parties appearing in this cause.

September 19, 2019

*Date*

  
*United States District Judge*

- ☐ **The Court has considered the motion and the motion is GRANTED.** It appears to the Court that the proposed appeal is taken in good faith within the meaning of 28 U.S.C. 1915(a). The Court certifies that the proposed appeal is not frivolous, that it presents a substantial question. The within moving party is authorized to prosecute an appeal in forma pauperis to the United States Court of Appeals for the Ninth Circuit without pre-payment of any fees or costs and without giving security therefor.
- ☐ A transcript is needed to decide the issue presented by the proposed appeal, all within the meaning of 28 U.S.C. 753 (f). The Court Reporter is directed to prepare and file with the Clerk of this Court an original and one copy of a transcript of all proceedings had in this Court in this cause; the attorney for the appellant is advised that a copy of the transcript will be made available. The expense of such transcript shall be paid by the United States pursuant to 28 U.S.C. 1915(c) and 753(f).

The Clerk is directed to serve copies of this Order upon the parties appearing in this cause.

*Date*

*United States District Judge*

# APPENDIX E

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

NOV 21 2019

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

IMMANUEL F. SANCHEZ,

Plaintiff-Appellant,

v.

MANUEL L. REAL, Administrative Law  
Judge, individual and official capacity as  
District Judge of the United States Central  
District Court of California; et al.,

Defendants-Appellees.

No. 19-56097

D.C. No. 2:19-cv-06015-MWF-  
RAO

Central District of California,  
Los Angeles

ORDER

Before: CANBY, TASHIMA, and CHRISTEN, Circuit Judges.

The district court certified that this appeal is not taken in good faith and denied appellant leave to proceed on appeal in forma pauperis. *See* 28 U.S.C. § 1915(a). On September 30, 2019 the court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record and response to the court's September 30, 2019 order, we conclude this appeal is frivolous.

We therefore deny appellant's motions to proceed in forma pauperis (Docket Entry Nos. 2 & 4) and dismiss this appeal as frivolous, pursuant to 28 U.S.C.

§ 1915(e)(2).

**DISMISSED.**



# APPENDIX F

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

FEB 14 2020

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

IMMANUEL F. SANCHEZ,

Plaintiff-Appellant,

v.

MANUEL L. REAL, Administrative Law  
Judge, individual and official capacity as  
District Judge of the United States Central  
District Court of California; et al.,

Defendants-Appellees.

No. 19-56097

D.C. No. 2:19-cv-06015-MWF-RAO  
Central District of California,  
Los Angeles

ORDER

Before: CANBY, TASHIMA, and CHRISTEN, Circuit Judges.

We treat Sanchez's filing (Docket Entry No. 6) as a combined motion for reconsideration and motion for reconsideration en banc.

Sanchez's motion for reconsideration is denied and Sanchez's motion for reconsideration en banc is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.

No further filings will be entertained in this closed case.