

SUPREME COURT OF THE UNITED STATES OF AMERICA

BITON, CRYSTAL & DANIELLE,
Plaintiffs-Appellants,

-v-

DONALD VERILLI ETAL,
Defendants-Respondents.
_____x

Second Circuit Docket#

17-2789 (L)

17-2791 (Con)

17-2797

Motion to DIRECT THE CLERK
TO FILE OUT OF TIME PETITION

PLEASE TAKE NOTICE that Plaintiffs-Appellants requests the clerk of Court to file out of time petition, and whatever else the court deems just and proper.

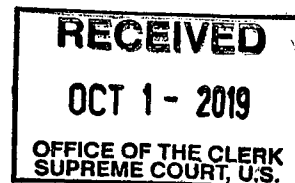
Respectfully
x ~~Crystal Biton~~ ~~Ms. Crystal Biton~~
Ms. Crystal Biton

x ~~Danielle Biton~~
Ms. Danielle Biton

Date: 28 September 2019

Fairfax, Va

Church Street Station P.O. B. 1008
NY, NY 10008-1008
(347) 392-8622
(347) 604-1987



**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of December, two thousand and seventeen,

Ms. Crystal Biton, AKA Saphyre M. Redford, Ms.
Danielle Biton, AKA Daniel Bitton,

Plaintiffs - Appellants,

v.

Donald Beaton Verrilli, Eric T. Schneiderman, Attorney
General of New York, The Port Authority of New York
and New Jersey, Pamela Bondi, Esq., Attorney General
of Florida, United States of America, Brian E. Frosh,
Attorney General of Maryland, President Barack Hussein
Obama,

Defendants - Appellees.

A notice of appeal was filed on September 06, 2017. The Appellant's Acknowledgment and Notice of Appearance Form due September 22, 2017 has not been filed. The case is deemed in default of FRAP 12(b), and LR 12.3.

IT IS HEREBY ORDERED that the appeal will be dismissed effective January 02, 2018 if the Acknowledgment and Notice of Appearance Form is not filed by that date.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court




EXHIBIT D

MANDATE

E.D.N.Y.-Bklyn.
17-mc-803
17-mc-804
DeArcy Hall, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8th day of February, two thousand eighteen.

Present:

Ralph K. Winter,
Debra Ann Livingston,
Denny Chin,
Circuit Judges.

Ms. Crystal Biton, AKA Saphyre M. Redford, Ms. Danielle Biton, AKA Daniel Bitton,

Plaintiffs-Appellants,

v.

17-2789 (L),
17-2791 (Con)

Donald Beaton Verrilli, et al.,

Defendants-Appellees.

Danielle Biton, Crystal Biton,

Plaintiffs-Appellants,

v.

17-2797

Donald Beaton Verrilli, et al.,

Defendants-Appellees.

APPENDIX E

MANDATE ISSUED ON 4/4/18

Appellants, pro se, move for leave to proceed in forma pauperis and for a stay. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeals are DISMISSED because they "lack[] an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* 28 U.S.C. § 1915(e).


We find that the imposition of sanctions, including a leave-to-file sanction, may be appropriate, in light of Appellants' litigation history. This Court's procedure for imposing leave-to-file sanctions involves three stages: (1) the court notifies the litigant that the filing of future frivolous appeals, motions, or other papers might result in sanctions, *see Sassower v. Sansverie*, 885 F.2d 9, 11 (2d Cir. 1989); (2) if the litigant continues to file frivolous appeals, motions or other papers, the court orders the litigant to show cause why a leave-to-file sanction order should not issue, *see In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993); and (3) if the litigant fails to show why sanctions are not appropriate, the court issues a sanctions order, *cf. Bd. of Managers for 2900 Ocean Ave. Condo. v. Bronkovic*, 83 F.3d 44, 45 (2d Cir. 1996) (per curiam).

In December 2013, this Court dismissed an appeal by Appellant Danielle Biton and warned her that "the continued filing of duplicative, vexatious, or clearly meritless appeals, motions, or other papers will result in the imposition of sanctions, which may include a leave-to-file sanction requiring Appellant to obtain permission from this Court prior to filing any further submissions in this Court." 2d Cir. 13-2897, doc. 21. Since being warned, Danielle Biton has continued to file frivolous appeals, and this Court has reiterated its warnings. 2d Cir. 15-2472, doc. 42 (Or.); 2d Cir. 15-2475, doc. 44 (Or.); 2d Cir. 15-2476, doc. 32 (Or.). These warnings do not appear to have been effective. Accordingly, Appellant Danielle Biton is hereby ORDERED to file a response within 30 days of the entry of this order why a leave-to-file sanction should not be imposed.

In October 2015, this Court warned Appellant Crystal Biton that the continued filing of frivolous appeals would result in the imposition of sanctions, including a leave-to-file sanction. 2d Cir. 15-2475, doc. 44 (Or.); 2d Cir. 15-2476, doc. 32 (Or.). We hereby renew that warning: the continued filing of duplicative, vexatious, or clearly meritless appeals, motions, or other papers will result in the imposition of sanctions, which may include a leave-to-file sanction requiring Appellant Crystal Biton to obtain permission from this Court prior to filing any further submissions in this Court. *See In re Martin-Trigona*, 9 F.3d at 229; *Sassower*, 885 F.2d at 11.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

2

United States Court of Appeals, Second Circuit

APPENDIX E

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 28th day of March, two thousand and eighteen,

Present:

Ralph K. Winter,
Debra Ann Livingston,
Denny Chin,
Circuit Judges.

Ms. Crystal Biton, AKA Saphyre M. Redford, Ms. Danielle Biton,
AKA Daniel Bitton,

Plaintiffs - Appellants,

ORDER

Docket Nos.
17-2789 (L),
17-2791 (Con).

v.

Donald Beaton Verrilli, Eric T. Schneiderman, Attorney General of
New York, The Port Authority of New York and New Jersey, Pamela
Bondi, Esq., Attorney General of Florida, United States of America,
Brian E. Frosh, Attorney General of Maryland, President Barack
Hussein Obama,

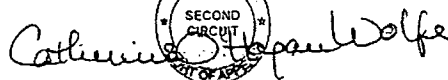

Defendants - Appellees.

Appellants filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

APPENDIX F

E.D.N.Y.-Bklyn
17-mc-803
17-mc-804
DeArcy Hall, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of March, two thousand nineteen.

Present:

Ralph K. Winter,
Debra Ann Livingston,
Denny Chin,
Circuit Judges.

Ms. Crystal Biton, AKA Saphyre M. Redford,
Ms. Danielle Biton, AKA Daniel Bitton,

Plaintiffs-Appellants,

v.

17-2789 (L),
17-2791 (Con)

Donald Beaton Verrilli, et al.,

Defendants-Appellees.

Danielle Biton, Crystal Biton,

Plaintiffs-Appellants,

v.

17-2797

Donald Beaton Verrilli, et al.,

Defendants-Appellees.

We find that the imposition of a leave-to-file sanction is appropriate, in light of Appellant Danielle

APPENDIX G

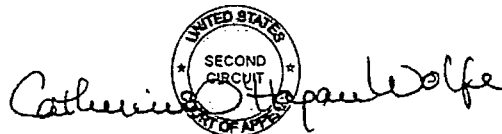
Biton's litigation history. This Court's procedure for imposing leave-to-file sanctions involves three stages: (1) the court notifies the litigant that the filing of future frivolous appeals, motions, or other papers might result in sanctions, *see Sassower v. Sansverie*, 885 F.2d 9, 11 (2d Cir. 1989); (2) if the litigant continues to file frivolous appeals, motions, or other papers, the court orders the litigant to show cause why a leave-to-file sanction order should not issue, *see In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993); and (3) if the litigant fails to show why sanctions are not appropriate, the court issues a sanctions order, *see Gallop v. Cheney*, 667 F.3d 226, 227 (2d Cir. 2012) (per curiam).

In December 2013, this Court dismissed an appeal by Danielle Biton and warned her that "the continued filing of duplicative, vexatious, or clearly meritless appeals, motions, or other papers will result in the imposition of sanctions, which may include a leave-to-file sanction requiring Appellant to obtain permission from this Court prior to filing any further submissions in this Court." 2d Cir. 13-2897, doc. 21. In February 2018 this Court denied Danielle Biton's motions for in forma pauperis status and a stay, dismissed her appeals, and ordered her to "file a response within 30 days of the entry of this order why a leave-to-file sanction should not be imposed." 2d Cir. 17-2789, doc. 60. She did not respond, but sought reconsideration or rehearing, which we denied. *Id.*, doc. 68. Even if we were to construe her motion as a response to the order, Danielle Biton has failed to show cause why a leave-to-file sanction should not be imposed.

Upon due consideration, it is hereby ORDERED that the Clerk of the Court refuse to accept for filing from Danielle Biton, any future appeal or other proceeding in this Court, unless she first obtains leave of the Court to file such appeal or proceeding.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The block contains a handwritten signature, "Catherine O'Hagan Wolfe", written in cursive. Overlaid on the signature is a circular official seal of the United States Court of Appeals for the Second Circuit. The seal features the words "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, separated by small stars.

S.D.N.Y.-N.Y.C.
09-cv-8602
Preska, J.

E.D.N.Y.-Bklyn
17-mc-803
DeArcy Hall, J.

E.D.N.Y.-Bklyn
17-mc-804
DeArcy Hall, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10th day of June, two thousand nineteen.

Present:

Ralph K. Winter,
Debra Ann Livingston,
Denny Chin,
Circuit Judges.

Danielle Biton,

Plaintiff-Appellant,

v.

11-2013

United Airlines, et al.,

Defendants-Appellees.

Ms. Crystal Biton, AKA Saphyre M. Redford, Ms. Danielle Biton,
AKA Daniel Bitton,

Plaintiffs-Appellants,

v.

17-2789 (L)
17-2791 (Con)

Donald Beaton Verrilli, et al.,

Defendants-Appellees.

APPENDIX H

Danielle Biton, Crystal Biton,
Plaintiffs-Appellants,

v.

17-2797

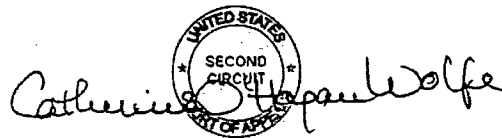
Donald Beaton Verrilli, et al.,

Defendants-Appellees.

It is hereby ORDERED that the above proceedings are CONSOLIDATED for the purposes of this order. Appellants, pro se, move to reopen these appeals. Upon due consideration, it is hereby ORDERED that the motions are DENIED.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The signature of Catherine O'Hagan Wolfe is written in cursive over a circular official seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

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