

SUPREME COURT OF THE UNITED STATES OF AMERICA

BITON, CRYSTAL & DANIELLE,  
Plaintiffs-Appellants,  
-v-  
DONALD VERRILLI ET AL,  
Defendants-Respondents.

Second Circuit Docket #

17-2789(L)  
17-2791 (Con)  
17-2797

Motion to DIRECT THE CLERK  
TO FILE OUT OF TIME PETITION

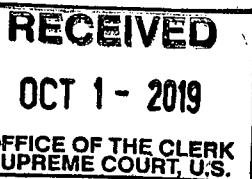
PLEASE TAKE NOTICE that Plaintiffs-Appellants requests the  
clerk of Court to file out of time petition, and whatever else the  
court deems just and proper.

Respectfully

~~Crystal Biton & Danielle Biton~~  
Ms. Crystal Biton

~~Danielle Biton~~  
Ms. Danielle Biton

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 11<sup>th</sup> day of December, two thousand and seventeen,

Ms. Crystal Biton, AKA Saphyre M. Redford, Ms.

Danielle Biton, AKA Daniel Bitton,

Plaintiffs - Appellants,

**ORDER**

Docket Number: 17-2789(L)(Only)  
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.

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

*Catherine O'Hagan Wolfe*



# MANDATE

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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

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 8<sup>th</sup> day of February, two thousand eighteen.

Present:

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

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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.*

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Danielle Biton, Crystal Biton,

*Plaintiffs-Appellants,*

v.

17-2797

Donald Beaton Verrilli, et al.,

*Defendants-Appellees.*

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APPENDIX  
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

*Catherine O'Hagan Wolfe*



A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

*Catherine O'Hagan Wolfe*



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APPENDIX

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

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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 28<sup>th</sup> day of March, two thousand and eighteen,

Present:

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

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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.

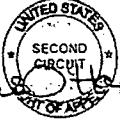
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Appellants filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

*Catherine O'Hagan Wolfe*  


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

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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 6<sup>th</sup> day of March, two thousand nineteen.

Present:

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

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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.*

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Danielle Biton, Crystal Biton,

*Plaintiffs-Appellants,*

v.

17-2797

Donald Beaton Verrilli, et al.,

*Defendants-Appellees.*

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

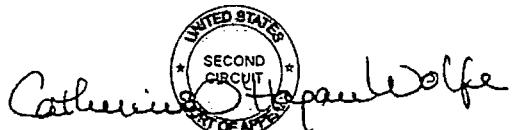
APPENDIX G

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

  
Catherine O'Hagan Wolfe



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

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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 10<sup>th</sup> day of June, two thousand nineteen.

Present:

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

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Danielle Biton,

*Plaintiff-Appellant,*

v.

11-2013

United Airlines, et al.,

*Defendants-Appellees.*

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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.*

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APPENDIX H

Danielle Biton, Crystal Biton,  
*Plaintiffs-Appellants,*

v.

17-2797

Donald Beaton Verrilli, et al.,

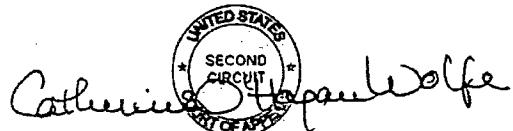
*Defendants-Appellees.*

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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


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