

APPENDIX

A

NINTH CIRCUIT  
ORDER

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAY 11 2020

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

STEVEN DEON TURNER, Jr.,

Plaintiff-Appellant,

v.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA,

Defendant-Appellee.

No. 20-55495

D.C. No.

2:20-cv-02610-RGK-MRW  
Central District of California,  
Los Angeles

ORDER

A review of the district court's docket reflects that the district court denied appellant leave to proceed in forma pauperis because it found that the action was frivolous. This court may dismiss a case at any time, if the court determines the case is frivolous. *See* 28 U.S.C. § 1915(e)(2).

Within 35 days after the date of this order, appellant must:

- (1) file a motion to dismiss this appeal, *see* Fed. R. App. P. 42(b), or
- (2) file a statement explaining why the appeal is not frivolous and should go forward.

If appellant files a statement that the appeal should go forward, appellant also must:

- (1) file in this court a motion to proceed in forma pauperis, OR

(2) pay to the district court \$505.00 for the filing and docketing fees for this appeal AND file in this court proof that the \$505.00 was paid.

If appellant does not respond to this order, the Clerk will dismiss this appeal for failure to prosecute, without further notice. *See* 9th Cir. R. 42-1. If appellant files a motion to dismiss the appeal, the Clerk will dismiss this appeal, pursuant to Federal Rule of Appellate Procedure 42(b). If appellant submits any response to this order other than a motion to dismiss the appeal, the court may dismiss this appeal as frivolous, without further notice. If the court dismisses the appeal as frivolous, this appeal may be counted as a strike under 28 U.S.C. § 1915(g).

The briefing schedule for this appeal is stayed.

The Clerk shall serve on appellant: (1) a form motion to voluntarily dismiss the appeal, (2) a form statement that the appeal should go forward, and (3) a Form 4 financial affidavit. Appellant may use the enclosed forms for any motion to dismiss the appeal, statement that the appeal should go forward, and/or motion to proceed in forma pauperis.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Joseph Williams  
Deputy Clerk  
Ninth Circuit Rule 27-7

APPENDIX  
B

UNITED STATES  
DISTRICT COURT  
ORDER

MIME-Version:1.0 From:cacd\_ecfmail@cacd.uscourts.gov To:ecfnef@cacd.uscourts.gov  
Message-Id:<29626677@cacd.uscourts.gov>Subject:Activity in Case 2:20-cv-02610-RGK-MRW  
Steven Deon Turner, Jr. v. United States District Court Central District of California Notice of  
Assignment to United States Judges(CV-18) - optional html form Content-Type: text/html

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 4/10/2020 at 2:12 PM PDT and filed on 4/9/2020

Case Name: Steven Deon Turner, Jr. v. United States District Court Central District of  
California

Case Number: 2:20-cv-02610-RGK-MRW

Filer:

Document  
Number: 4

Docket Text:

NOTICE OF ASSIGNMENT to District Judge R. Gary Klausner and Magistrate Judge Michael  
R. Wilner. (lh)

2:20-cv-02610-RGK-MRW Notice has been electronically mailed to:  
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MIME-Version:1.0 From:cacd\_ecfmail@cacd.uscourts.gov To:ecfnf@cacd.uscourts.gov  
Message-Id:<29626712@cacd.uscourts.gov>Subject:Activity in Case 2:20-cv-02610-RGK-MRW  
Steven Deon Turner, Jr. v. United States District Court Central District of California Notice to Parties  
of Court-Directed ADR Program (ADR-8) - optional html form Content-Type: text/html

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 4/10/2020 at 2:13 PM PDT and filed on 4/9/2020

Case Name: Steven Deon Turner, Jr. v. United States District Court Central District of  
California

Case Number: 2:20-cv-02610-RGK-MRW

Filer:

Document  
Number: 5

Docket Text:

NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed.(lh)

2:20-cv-02610-RGK-MRW Notice has been electronically mailed to:  
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California Correctional Institution  
PO Box 1031  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

STEVEN DEON TURNER, JR

Petitioner(s)

v.

UNITED STATES DISTRICT COURT CENTRAL  
DISTRICT OF CALIFORNIA

Respondent(s).

CASE NUMBER:

2:20-cv-02610-RGK-MRW

NOTICE TO PARTIES OF  
COURT-DIRECTED ADR PROGRAM

NOTICE TO PARTIES:

It is the policy of this Court to encourage settlement of civil litigation when such is in the best interest of the parties. The Court favors any reasonable means, including alternative dispute resolution (ADR), to accomplish this goal. *See* L.R. 16-15. Unless exempted by the trial judge, parties in all civil cases must participate in an ADR process before trial. *See* L.R. 16-15.1.

The district judge to whom the above-referenced case has been assigned is participating in an ADR Program that presumptively directs this case to either the Court Mediation Panel or to private mediation. *See* General Order No. 11-10, §5. For more information about the Mediation Panel, visit the Court website, [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov), under "ADR."

\* Pursuant to L.R. 26-1(c), counsel are directed to furnish and discuss with their clients the attached ADR Notice To Parties before the conference of the parties mandated by Fed.R.Civ.P. 26(f). Based upon the consultation with their clients and discussion with opposing counsel, counsel must indicate the following in their Joint 26(f) Report: 1) whether the case is best suited for mediation with a neutral from the Court Mediation Panel or private mediation; and 2) when the mediation should occur. *See* L.R. 26-1(c).

At the initial scheduling conference, counsel should be fully prepared to discuss their preference for referral to the Court Mediation Panel or to private mediation and when the mediation should occur. The Court will enter an Order/Referral to ADR at or around the time of the scheduling conference.

Clerk, U.S. District Court

April 9, 2020  
Date

By /s/ Luz Hernandez  
Deputy Clerk

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

**NOTICE TO PARTIES: COURT POLICY ON SETTLEMENT  
AND USE OF ALTERNATIVE DISPUTE RESOLUTION (ADR)**  
Counsel are required to furnish and discuss this Notice with their clients.

Despite the efforts of the courts to achieve a fair, timely and just outcome in all cases, litigation has become an often lengthy and expensive process. For this reason, it is this Court's policy to encourage parties to attempt to settle their disputes, whenever possible, through alternative dispute resolution (ADR).

ADR can reduce both the time it takes to resolve a case and the costs of litigation, which can be substantial. ADR options include mediation, arbitration (binding or non-binding), neutral evaluation (NE), conciliation, mini-trial and fact-finding. ADR can be either Court-directed or privately conducted.

\* The Court's ADR Program offers mediation through a panel of qualified and impartial attorneys who will encourage the fair, speedy and economic resolution of civil actions. Panel Mediators each have at least ten years of legal experience and are appointed by the Court. They volunteer their preparation time and the first three hours of a mediation session. This is a cost-effective way for parties to explore potential avenues of resolution.

This Court requires that counsel discuss with their clients the ADR options available and instructs them to come to the initial scheduling conference prepared to discuss the parties' choice of ADR option. The ADR options available are: a settlement conference before the magistrate judge assigned to the case or the magistrate judge in Santa Barbara, the Court Mediation Panel, and private mediation. Counsel are also required to indicate the client's choice of ADR option in advance of the initial scheduling conference. *See* L.R. 26-1(c) and Fed.R.Civ.P. 26(f).

Clients and their counsel should carefully consider the anticipated expense of litigation, the uncertainties as to outcome, the time it will take to get to trial, the time an appeal will take if a decision is appealed, the burdens on a client's time, and the costs and expenses of litigation in relation to the amounts or stakes involved.

Each year thousands of civil cases are filed in this district, yet typically no more than one percent go to trial. Most cases are settled between the parties, voluntarily dismissed, resolved through Court-directed or other forms of ADR, or dismissed by the Court as lacking in merit or for other reasons provided by law.

For more information about the Court's ADR Program, the Mediation Panel, and the profiles of mediators, visit the Court website, [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov), under "ADR."



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Message-Id:<29663814@cacd.uscourts.gov>Subject:Activity in Case 2:20-cv-02610-RGK-MRW  
Steven Deon Turner, Jr. v. United States District Court Central District of California Order on Request  
for Leave to Proceed without Prepayment of Filing Fees (CV60P) Content-Type: text/html

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 4/17/2020 at 10:08 AM PDT and filed on 4/17/2020

Case Name: Steven Deon Turner, Jr. v. United States District Court Central District of  
California

Case Number: 2:20-cv-02610-RGK-MRW

Filer:

WARNING: CASE CLOSED on 04/17/2020

Document  
Number: 6

Docket Text:

ORDER RE REQUEST TO PROCEED IN FORMA PAUPERIS by Judge R. Gary Klausner  
that the request to Proceed In Forma Pauperis [3] is hereby DENIED. IT IS RECOMMENDED  
by Magistrate Michael R. Wilner for the following reasons: District Court lacks jurisdiction.  
(See Order for further details). IT IS FURTHER ORDERED that this case is hereby  
DISMISSED immediately. MD JS-6, Case Terminated. (et)

2:20-cv-02610-RGK-MRW Notice has been electronically mailed to:  
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CDC AV2541  
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PO Box 1031  
Tehachapi CA 93581

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

INMATE # CDC AV2541

CASE NUMBER

Steven Deon Turner, Jr.,

CV 20-2610 RGK (MRWx)

PLAINTIFF(S)

v.

**ORDER RE REQUEST TO PROCEED WITHOUT  
PREPAYMENT OF FILING FEES**

United States District Court Central District  
of California,

DEFENDANT(S)

**IT IS ORDERED** that the Request to Proceed Without Prepayment of Filing Fees is hereby **GRANTED**.

**IT IS FURTHER ORDERED** that, in accordance with 28 U.S.C. § 1915, the prisoner-plaintiff owes the Court the total filing fee of \$350.00. An initial partial filing fee of \$ \_\_\_\_\_ must be paid within thirty (30) days of the date this order is filed. Failure to remit the initial partial filing fee may result in dismissal of the case. Thereafter, monthly payments shall be forwarded to the Court in accordance with 28 U.S.C. § 1915(b)(2).

Date

United States Magistrate Judge

**IT IS RECOMMENDED** that the Request to Proceed Without Prepayment of Filing Fees be **DENIED** for the following reason(s):

- |   |  |
|---|--|
| <input type="checkbox"/> Inadequate showing of indigency.   | <input checked="" type="checkbox"/> Frivolous, malicious, or fails to state a claim upon which relief may be granted.  |
| <input type="checkbox"/> Failure to authorize disbursements from prison trust account to pay the filing fees.   | <input type="checkbox"/> Seeks monetary relief from a defendant immune from such relief.   |
| <input type="checkbox"/> Failure to provide certified copy of trust fund statement for the last six (6) months. | <input checked="" type="checkbox"/> Leave to amend would be futile.  |
| <input checked="" type="checkbox"/> District Court lacks jurisdiction.  | <input type="checkbox"/> This denial may constitute a strike under the "Three Strikes" provision governing the filing of prisoner suits. <i>See O'Neal v. Price</i> , 531 F.3d 1146, 1153 (9th Cir. 2008). |
| <input type="checkbox"/> Other _____  |  |

Comments:

Unintelligible claim for relief under FOIA. State prisoner seeks materials from federal court regarding state criminal case. No basis for federal court jurisdiction or potential recovery.

April 13, 2020

Date

/s/ Hon Michael R. Wilner

United States Magistrate Judge

**IT IS ORDERED** that the Request to Proceed Without Prepayment of Filing Fees is:

- ☐ **GRANTED. IT IS FURTHER ORDERED** that, in accordance with 28 U.S.C. § 1915, the prisoner-plaintiff owes the Court the total filing fee of \$350.00. An initial partial filing fee of \$ \_\_\_\_\_ must be paid within thirty (30) days of the date this order is filed. Failure to remit the initial partial filing fee may result in dismissal of the case. Thereafter, monthly payments shall be forwarded to the Court in accordance with 28 U.S.C. § 1915(b)(2).
- ☐ **DENIED.** Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.
- ☒ **DENIED**, and this case is hereby **DISMISSED** immediately.
- ☐ **DENIED, with leave to amend within 30 days.** Plaintiff may re-submit the IFP application and Complaint to this Court, if submitted with the Certified Trust Account Statement and Disbursement Authorization. Plaintiff shall utilize the same case number. If plaintiff fails to submit the required documents within 30 days, this case shall be **DISMISSED**.

April 17, 2020

Date

/s/ R. Gary Klausner

United States District Judge

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