


# APPENDIX "A"

JUDGE'S Adoption of Magi's F. o R.  
Dated : March 25, 2020

Z-SHEEDS

Pg. #5

  
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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN DUNIGAN,  
Plaintiff,  
  
v.  
CDCR, et al.,  
Defendants.

No. 2:19-cv-2501 WBS AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 27, 2020, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 18. Plaintiff has filed objections to the findings and recommendations. ECF No. 20.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

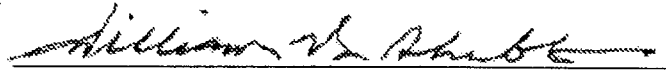
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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 27, 2020, ECF No. 18, are adopted in full; and
2. The complaint is dismissed without leave to amend as frivolous and for failure to state a claim.

Dated: March 25, 2020



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

/duni2501.804(3)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JUDGMENT IN A CIVIL CASE

KEVIN DUNIGAN,

CASE NO: 2:19-CV-02501-WBS-AC

v.

CDCR, ET AL.,

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**Decision by the Court.** This action came before the Court. The issues have been tried, heard or decided by the judge as follows:

IT IS ORDERED AND ADJUDGED

THAT JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE  
COURT'S ORDER FILED ON 3/26/2020

Keith Holland  
Clerk of Court

ENTERED: March 26, 2020

by: /s/ A. Kastilahn  
Deputy Clerk

Vincent Wooten Gov. Texas 250 men  
Lt. Gov. Jarvis Baker 125

Glen Amos Gov. New York 250 men  
Bobby Millender Lt. Gov. 125 men

Melvin Sprules Gov. Pennsylvania  
Charles Carter Jr. Lt. Gov. 125 250 men

Charles Carter Sr. Gov. Maryland  
Julian Hill Lt. Gov. 125 250 men

Recking Ball Gov. Nevada 125  
V.P. of San Fran. Lt. Gov. 125 250 men

Glen Wert Gov. Washington 250 men  
Orlando Butler Lt. Gov. 125 men

Michael Hall Gov. Louisiana  
Walter Bryant Lt. Gov. 125 250 men

Tyrone Bryant Gov. Oregon  
David Journey Lt. Gov. 125 250 men

Ternell Robinson Gov. Idaho  
Timmy Robinson Lt. Gov. 125 250 men

Maxi Blood Robinson Gov. Indiana  
Tee" Nelson Lt. Gov. 125 250 men

New Mexico  
Ronnie Robinson 125 Gov.  
Alley Cat Lt. Gov. 125

Massachusetts 250 men  
Terran Hall Gov. 125  
Butch Hall Lt. Gov. 125

Alaska 250 men  
Leo Adrian Gov. 125 men  
Jethro Ahearn Lt. Gov. 125 men

Florida 250 men  
Cobra Papa Gov. 125 men  
David Cassaree Lt. Gov. 125 men

So. Carolina 250 men  
Bruce Calloway Gov. 125

Dino Johnson Lt. Gov. 125 men

Illinois 250 men  
Pete Cassaree Gov. 125 men

Cobra Mann Lt. Gov. 125 men

North Carolina 250 men

Anthony Hope Gov. 125 men

Kuja Nelson Lt. Gov. 125 men

Hawaii 250 men

Raven Gov. 125 men

Terry Simpson Lt. Gov. 125 men

Montana 250 men

Joe Williams Gov. 125 men

Pete Brown Lt. Gov. 125 men

Rhode Island 1250 men  
Gov. Kenny Bolles x/125 men  
Lt. Gov. John Klebb x/125 men

NEW JERSEY 250 men  
Gov. Vincent Schaeffer 125 men  
Lt. Gov. Amos "Doc" 125 men

Arkansas 1250 men  
Allen Broxen 125 men  
Tyrone McCall 125 men  
Gov. Allen / Lt. Gov. Tyrone

Georgia 250 men  
Gov. Mark Carolina 125 men  
Lt. Gov. Dino Johnson 125 men

Kentucky 1250 men Gov.  
London Morrow 125 men  
S.F. Ken / oakdale <sup>Lt. Gov.</sup> 125 men

Colorado 150 men  
Gov. Kevin Scrivens 125 men  
Lt. Gov. Dheim Humphry 125 men

IOWA 1250 men Gov.  
Levi Alexander 125 men  
< Batu "Doc" 125 men <sup>Lt. Gov.</sup>  
Lt. Gov.

Tennessee 250 men  
Gov. Willie Blake Jr 125 men  
Lt. Gov. Everett Brown 125 men

Alabama 1250 men Gov.  
Ivan Bro-In-Laxo 125 men  
Lt. Gov. Lemeul Dunigan 125 men <sup>Lt. Gov.</sup>

Porto Rico 350 men  
Gov. David Carrarez 175 men  
Lt. Gov. Mario Rutledge 175 men

OHIO 1250 men  
Gov. Dickey <sup>Gov.</sup> Dunigan 125 men  
Lt. Gov. Mike Bynum 125 men

Connecticut 250 men 125 men  
Gov. <sup>aka</sup> Raven "Doc" S.F. Calif.  
Lt. Gov. Eldridge Brown Sacto. 125 men

Wyoming 250 men  
Gov. Paul Passmore 125 men  
Lt. Gov. Charles Grim 125 men

MICHIGAN 250 men  
Gov. Joe Cummings 125 men  
Lt. Gov. Stanly Moten  
125 men

Delaware 250 men  
Glen Taylor Gov. 125 men  
Bruce Vanhook Lt. Gov. 125 men  
Washington D.C. 150 men  
Gov. O.G. Hummity 75 men  
Lt. Gov. Omar Johnson 75 men  
4/10/11

Utah 250 men  
Gov. Dmitris Hall 125 men  
Lt. Gov. Steve Echols 125 men

Kansas 250 men  
Gov. Mark Parker 125 men  
Lt. Gov. Keith Dandridge 125 men

Oklahoma 250 men  
Gov. Gene Murray Jr. 125 men  
Lt. Gov. Marcus Davis 125 men

Nebraska 250 men  
Gov. Edgar Kloten 125 men  
Lt. Gov. Lionell Owens 125 men

Wisconsin 250  
Gov. Landon Morrowe 125 men  
Lt. Gov. Walter Brooks 125 men

Minnesota 250 men  
Gov. Ronald Kloten 125 men  
Lt. Gov. Kevin Washington 125 men

Missouri 250 men  
Gov. Paul Passmore 125 men  
Lt. Gov. Keith Brembi 125 men

Mississippi 250 men  
Gov. Kevin Martin 125 men  
Lt. Gov. Dino Gomez 125 men

Maine 250 men  
Gov. Fred Mackie 125 men  
Lt. Gov. Ralph Deloin 125 men

New Hampshire 250 men  
Gov. Carlos Hernandez 125 men  
Lt. Gov. Mike Broussard 125 men

North Dakota 250 men  
Gov. Michael Brown 125 men  
Lt. Gov. Carlos "Doc" 125 men

Arizona 250 men  
Gov. Yancy Butler 125 men  
Lt. Gov. Fly One 125 men

South Dakota 250 men  
Gov. Robert Ball 125 men  
Lt. Gov. Sean Dockany 125 men

Virginia 250 men  
Gov. Eric Alston 125 men  
Lt. Gov. Eric Bell 125 men

West Virginia 250 men  
Gov. Vandy Ball 125 men  
Lt. Gov. Mattheye Hiers 125 men

Vermont 250 men  
Gov. Jesse Davis 125 men  
Lt. Gov. Ivan "No Eye Broxer" 125 men

# APPENDIX "B"

Mas.'s F. & R. dated Feb. 26, 2020

5-SHEETS

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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 KEVIN DUNIGAN,

12 Plaintiff,

13 v.

14 CDCR, et al.,

15 Defendants.  
16

No. 2:19-cv-2501 WBS AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

17 Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 and  
18 has paid the filing fee.

19 I. Statutory Screening of Prisoner Complaints

20 The court is required to screen complaints brought by prisoners seeking relief against a  
21 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The  
22 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are  
23 “frivolous, malicious, or fail[] to state a claim upon which relief may be granted,” or that “seek[]  
24 monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b).

25 A claim “is [legally] frivolous where it lacks an arguable basis either in law or in fact.”  
26 Neitzke v. Williams, 490 U.S. 319, 325 (1989); Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th  
27 Cir. 1984). “[A] judge may dismiss . . . claims which are ‘based on indisputably meritless legal  
28 theories’ or whose ‘factual contentions are clearly baseless.’” Jackson v. Arizona, 885 F.2d 639,

1 640 (9th Cir. 1989) (quoting Neitzke, 490 U.S. at 327), superseded by statute on other grounds as  
2 stated in Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000). The critical inquiry is whether a  
3 constitutional claim, however inartfully pleaded, has an arguable legal and factual basis.  
4 Franklin, 745 F.2d at 1227-28 (citations omitted).

5 “Federal Rule of Civil Procedure 8(a)(2) requires only ‘a short and plain statement of the  
6 claim showing that the pleader is entitled to relief,’ in order to ‘give the defendant fair notice of  
7 what the . . . claim is and the grounds upon which it rests.’” Bell Atl. Corp. v. Twombly, 550  
8 U.S. 544, 555 (2007) (alteration in original) (quoting Conley v. Gibson, 355 U.S. 41, 47 (1957)).  
9 “Failure to state a claim under § 1915A incorporates the familiar standard applied in the context  
10 of failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).” Wilhelm v. Rotman,  
11 680 F.3d 1113, 1121 (9th Cir. 2012) (citations omitted). In order to survive dismissal for failure  
12 to state a claim, a complaint must contain more than “a formulaic recitation of the elements of a  
13 cause of action;” it must contain factual allegations sufficient “to raise a right to relief above the  
14 speculative level.” Twombly, 550 U.S. at 555 (citations omitted). “[T]he pleading must contain  
15 something more . . . than . . . a statement of facts that merely creates a suspicion [of] a legally  
16 cognizable right of action.” Id. (alteration in original) (quoting 5 Charles Alan Wright & Arthur  
17 R. Miller, Federal Practice and Procedure § 1216 (3d ed. 2004)).

18 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to  
19 relief that is plausible on its face.’” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting  
20 Twombly, 550 U.S. at 570). “A claim has facial plausibility when the plaintiff pleads factual  
21 content that allows the court to draw the reasonable inference that the defendant is liable for the  
22 misconduct alleged.” Id. (citing Twombly, 550 U.S. at 556). In reviewing a complaint under this  
23 standard, the court must accept as true the allegations of the complaint in question, Hosp. Bldg.  
24 Co. v. Trs. of the Rex Hosp., 425 U.S. 738, 740 (1976) (citation omitted), as well as construe the  
25 pleading in the light most favorable to the plaintiff and resolve all doubts in the plaintiff’s favor,  
26 Jenkins v. McKeithen, 395 U.S. 411, 421 (1969) (citations omitted).

## 27 II. Complaint

28 The complaint names ninety-six defendants, including individuals and both private and

1 government entities; spans over one hundred pages, not including exhibits; and appears to be a  
2 jumble of multiple other filings.<sup>1</sup> ECF No. 1. Review of the complaint shows that it does not  
3 state any claims against any of the defendants and instead is comprised primarily of citations to  
4 various statutes, rules, and Bible verses. Id. To the extent the complaint makes any allegations,  
5 they are rambling, nearly incomprehensible accusations of a far-reaching conspiracy by  
6 “homosexual liberals” to subject plaintiff to psychological abuse for “the purposes of gas lighting  
7 plaintiff’s mental stability” and to punish him “for not accepting their criminal homosexual  
8 lifestyle” because of “plaintiff’s own personal religious fundamental beliefs against  
9 homosexuality.” Id. at 30-33. He makes further allegations that his previous complaints have  
10 been dismissed because he has been selectively targeted “as a form of gay liberal political  
11 democratic reprisal” and it appears that he is also claiming to have been convicted “with  
12 fraudulent and contaminated DNA” as part of some conspiracy tied to President Obama and the  
13 November 2008 election. Id. at 35-37.

14 Plaintiff also makes general allegations that former and current governors Brown and  
15 Newsom have conspired with California Department of Corrections and Rehabilitation  
16 administration to arbitrarily deny his inmate appeals and prevent him from going to the law  
17 library so that he is unable to reveal political corruption and “in order to give the media time to  
18 abuse the subliminal messaging system too [sic] gain access in the . . . new universal Christ  
19 Kingdom although the media’s prime intent is to aid the plight of the corrupt homosexual liberal  
20 democratic progressive movement.” Id. at 41-46, 48-57. He appears to go on to allege that he is  
21 the sovereign ruler of the universal Christ Kingdom and that these actions are an attempt to take  
22 over his throne, and that there have been attempts to murder him by housing him “with gay  
23 inmate operatives.” Id. at 63-65, 71.

24 The allegations in plaintiff’s complaint do not present plausible factual allegations or  
25 legally coherent theories of liability establishing a claim for relief. These claims should therefore  
26 be dismissed. Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (“[A] court may dismiss a claim

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27 <sup>1</sup> It appears that plaintiff may have written his complaint on the back of other documents,  
28 resulting in those documents being included in the complaint.

1 as factually frivolous only if the facts alleged are ‘clearly baseless,’ a category encompassing  
2 allegations that are ‘fanciful,’ ‘fantastic,’ and ‘delusional.’” (internal citations omitted)).

3 III. No Leave to Amend

4 If the court finds that a complaint or claim should be dismissed for failure to state a claim,  
5 the court has discretion to dismiss with or without leave to amend. Leave to amend should be  
6 granted if it appears possible that the defects in the complaint could be corrected, especially if a  
7 plaintiff is pro se. Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000) (en banc); Cato v.  
8 United States, 70 F.3d 1103, 1106 (9th Cir. 1995) (“A pro se litigant must be given leave to  
9 amend his or her complaint, and some notice of its deficiencies, unless it is absolutely clear that  
10 the deficiencies of the complaint could not be cured by amendment.” (citing Noll v. Carlson, 809  
11 F.2d 1446, 1448 (9th Cir. 1987))). However, if, after careful consideration, it is clear that a claim  
12 cannot be cured by amendment, the court may dismiss without leave to amend. Cato, 70 F.3d at  
13 1105-06.

14 The undersigned finds that, as set forth above, plaintiff’s complaint is frivolous and fails  
15 to state a claim. Moreover, given the nature of plaintiff’s claims, there is no way for plaintiff to  
16 amend the complaint to state a claim for which relief can be granted and leave to amend would be  
17 futile. “A district court may deny leave to amend when amendment would be futile.” Hartmann  
18 v. CDCR, 707 F.3d 1114, 1130 (9th Cir. 2013).

19 IV. Motion for Extension of Time

20 Plaintiff has filed a motion that appears to seek additional time to pay the filing fee. ECF  
21 No. 17. The motion will be denied as moot because the filing fee was paid on February 13, 2020.

22 V. Motion for Media Investigation

23 Plaintiff has also filed a motion that appears to request an order from the court initiating a  
24 media investigation and releasing plaintiff from custody. ECF No. 12. The contents of the  
25 motion are incomprehensible and it will therefore be denied.

26 VI. Plain Language Summary of this Order for a Pro Se Litigant

27 It is being recommended that your complaint be dismissed without leave to amend  
28 because it is frivolous and fails to state a claim for relief.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for an extension of time to pay the filing fee, ECF No. 17, is DENIED as moot.
2. Plaintiff's motion for media investigation, ECF No. 12, is DENIED.

IT IS FURTHER RECOMMENDED that complaint be dismissed without leave to amend as frivolous and for failure to state a claim.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: February 26, 2020

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

# APPENDIX "C"

Judge's Initial Adoption of  
Mag.'s F. & R. dated Jan. 28, 2020

2-SHEETS

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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 KEVIN DUNIGAN,

12 Plaintiff,

13 v.

14 CDCR, et al.,

15 Defendants.  
16

No. 2:19-cv-2501 WBS AC P

ORDER

17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief  
18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to  
19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On January 9, 2020, the magistrate judge filed findings and recommendations herein  
21 which were served on plaintiff and which contained notice to plaintiff that any objections to the  
22 findings and recommendations were to be filed within fourteen days. ECF No. 9. Plaintiff has  
23 filed objections to the findings and recommendations. ECF No. 13.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
25 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
26 court finds the findings and recommendations to be supported by the record and by proper  
27 analysis.

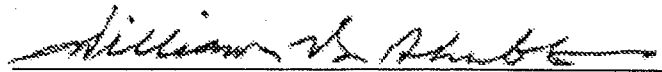
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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed January 9, 2020, are adopted in full; and

3 2. Plaintiff's motion to proceed in forma pauperis, ECF No. 3, is denied and plaintiff is  
4 ordered to pay the entire \$400.00 in required fees within thirty days or face dismissal of the case.

5 Dated: January 28, 2020

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7 WILLIAM B. SHUBB

8 UNITED STATES DISTRICT JUDGE

9 /duni2501.804



# APPENDIX "D"

Mag.'s F. & R. dated Dec. 19, 2019

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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 KEVIN DUNIGAN,

12 Plaintiff,

13 v.

14 CDCR, et al.,

15 Defendant.  
16

No. 2:19-cv-2501 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42  
18 U.S.C. § 1983.

19 I. Three Strikes Analysis

20 Plaintiff seeks leave to proceed in forma pauperis under 28 U.S.C. § 1915(a). ECF No. 3.  
21 The Prison Litigation Reform Act of 1995 (PLRA) permits any court of the United States to  
22 authorize the commencement and prosecution of any suit without prepayment of fees by a person  
23 who submits an affidavit indicating that the person is unable to pay such fees. However,

24 [i]n no event shall a prisoner bring a civil action or appeal a  
25 judgement in a civil action or proceeding under this section if the  
26 prisoner has, on 3 or more occasions, while incarcerated or detained  
27 in any facility, brought an action or appeal in a court of the United  
28 States that was dismissed on the grounds that it is frivolous,  
malicious, or fails to state a claim upon which relief may be granted,  
unless the prisoner is under imminent danger of serious physical  
injury.

Recd  
12-26-19

1 28 U.S.C. § 1915(g). The plain language of the statute makes clear that a prisoner is precluded  
2 from bringing a civil action or an appeal in forma pauperis if the prisoner has brought three  
3 frivolous actions and/or appeals (or any combination thereof totaling three). Rodriguez v. Cook,  
4 169 F.3d 1176, 1178 (9th Cir. 1999). “[Section] 1915(g) should be used to deny a prisoner’s [in  
5 forma pauperis] status only when, after careful evaluation of the order dismissing an action, and  
6 other relevant information, the district court determines that the action was dismissed because it  
7 was frivolous, malicious or failed to state a claim.” Andrews v. King, 398 F.3d 1113, 1121 (9th  
8 Cir. 2005). “[W]hen a district court disposes of an in forma pauperis complaint ‘on the grounds  
9 that [the claim] is frivolous, malicious, or fails to state a claim upon which relief may be granted,’  
10 such a complaint is ‘dismissed’ for purposes of § 1915(g) even if the district court styles such  
11 dismissal as denial of the prisoner’s application to file the action without prepayment of the full  
12 filing fee.” O’Neal v. Price, 531 F.3d 1146, 1153 (9th Cir. 2008) (second alteration in original).  
13 Dismissal also counts as a strike under § 1915(g) “when (1) a district court dismisses a complaint  
14 on the ground that it fails to state a claim, (2) the court grants leave to amend, and (3) the plaintiff  
15 then fails to file an amended complaint” regardless of whether the case was dismissed with or  
16 without prejudice. Harris v. Mangum, 863 F.3d 1133, 1142-43 (9th Cir. 2017).

17 Inspection of other cases filed by plaintiff in this court has led to the identification of at  
18 least three cases brought by plaintiff that qualify as strikes. The court takes judicial notice of the  
19 following lawsuits filed by plaintiff:<sup>1</sup>

- 20 1. Dunigan v. California Department of Corrections, E.D. Cal. No. 2:01-cv-1591 WBS JFM  
21 (complaint dismissed with leave to amend for failure to state a claim, case dismissed on  
22 March 29, 2002, for failure to file an amended complaint);

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25 <sup>1</sup> The court “may take notice of proceedings in other courts, both within and without the federal  
26 judicial system, if those proceedings have a direct relation to matters at issue.” United States ex  
27 rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)  
28 (citation and internal quotation marks omitted) (collecting cases); Fed. R. Evid. 201(b)(2) (court  
may take judicial notice of facts that are capable of accurate determination by sources whose  
accuracy cannot reasonably be questioned).

- 1       2. Dunigan v. United States, E.D. Cal. No. 2:10-cv-2992 JAM KJN (case dismissed as  
2       frivolous on May 2, 2011);
- 3       3. Dunigan v. United States, E.D. Cal. No. 2:12-cv-3048 TLN CKD (complaint dismissed  
4       with leave to amend for failure to state a claim; case dismissed on September 16, 2013, for  
5       failure to file an amended complaint).

6       All of the preceding cases were dismissed well in advance of the December 8, 2019 filing<sup>2</sup>  
7       of the instant action and none of the strikes have been overturned. Therefore, this court finds that  
8       plaintiff is precluded from proceeding in forma pauperis unless she is “under imminent danger of  
9       serious physical injury.” 28 U.S.C. § 1915(g). To satisfy the exception, plaintiff must have  
10      alleged facts that demonstrate that she was “under imminent danger of serious physical injury” at  
11      the time of filing the complaint. Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007)  
12      (“[I]t is the circumstances at the time of the filing of the complaint that matters for purposes of  
13      the ‘imminent danger’ exception to § 1915(g).”); see also, Abdul-Akbar v. McKelvie, 239 F.3d  
14      307, 312-14 (3rd Cir. 2001); Medberry v. Butler, 185 F.3d 1189, 1192-93 (11th Cir. 1999);  
15      Ashley v. Dilworth, 147 F.3d 715, 717 (8th Cir. 1998); Banos v. O’Guin, 144 F.3d 883, 885 (5th  
16      Cir. 1998).

17      The complaint names ninety-six defendants, including individuals and both private and  
18      government entities, and makes allegations regarding plaintiff’s conviction, his ability to use the  
19      administrative appeals process, interference with previous lawsuits, unspecified retaliation, and  
20      various conspiracies. However, none of the allegations demonstrate an imminent risk of serious  
21      physical injury at the time of filing, and the undersigned will therefore recommend that plaintiff  
22      be required to pay the filing fee in full or have the complaint dismissed.

23      II. Plain Language Summary of this Order for a Pro Se Litigant

24      You have at least three strikes under § 1915(g) and cannot be granted in forma pauperis  
25      status unless you show the court that you were in imminent danger of serious physical injury at  
26      the time you filed the complaint. You have not shown that you were in imminent danger of

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27      <sup>2</sup> Since plaintiff is a prisoner proceeding pro se, she is afforded the benefit of the prison mailbox  
28      rule. Houston v. Lack, 487 U.S. 266, 276 (1988).

1 serious physical injury and so it is being recommended that your motion to proceed in forma  
2 pauperis be denied.

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly  
4 assign a United States District Judge to this action.

5 IT IS FURTHER RECOMMENDED that plaintiff's motion to proceed in forma pauperis  
6 (ECF No. 3) be denied and plaintiff be ordered to pay the entire \$400.00 in required fees within  
7 thirty days or face dismissal of the case.

8 These findings and recommendations are submitted to the United States District Judge  
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
10 after being served with these findings and recommendations, plaintiff may file written objections  
11 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
12 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
13 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
14 (9th Cir. 1991).

15 DATED: December 19, 2019

16   
17 ALLISON CLAIRE  
18 UNITED STATES MAGISTRATE JUDGE  
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# APPENDIX "E"

Mag.'s Initial F.O.R. dated Jan. 8, 2020

S-SHEETS

PG. #5

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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 KEVIN DUNIGAN,  
12 Plaintiff,  
13 v.  
14 CDCR, et al.,  
15 Defendant.  
16

No. 2:19-cv-2501 WBS AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42  
18 U.S.C. § 1983. On December 20, 2019, the undersigned filed findings and recommendations that  
19 recommended plaintiff's motion to proceed in forma pauperis be denied on the ground that  
20 plaintiff had accrued three strikes under 28 U.S.C. § 1915(g). ECF No. 5. Plaintiff has objected  
21 to the findings and recommendations on the ground that one of the cases identified, Dunigan v.  
22 California Department of Corrections, E.D. Cal. No. 2:01-cv-1591 WBS JFM, is not a strike  
23 because he was not incarcerated at the time he filed the complaint in that case. ECF No. 7 at 1-2.  
24 He does not raise any objections related to the other two cases identified as strikes or to the  
25 finding that he failed to allege facts demonstrating imminent danger of serious physical injury.

26 Assuming that plaintiff was not in custody at the time he filed the complaint in Case No.  
27 2:01-cv-1591 WBS JFM, he is correct that that case cannot count as a strike. The December 20,  
28 2019 findings and recommendations will therefore be withdrawn. However, the court has

Rec-  
1-14-2020

1 identified another case, Dungan v. United States, E.D. Cal. No. 2:10-cv-2965 MCE EFB, which  
2 was clearly initiated while plaintiff was incarcerated and was dismissed on grounds that constitute  
3 a strike. Accordingly, the undersigned will once again recommend that plaintiff's motion to  
4 proceed in forma pauperis be denied.

5 Also pending before the court is plaintiff's motion for miscellaneous relief styled as a  
6 "sovereign motion invoking global street kraft upon stayed release and criminal enforcements."  
7 ECF No. 6. The motion states that it "arrises [sic] out of a dual intentionally false and erroneous  
8 Sacto., County convictions . . . both of which are 'freestanding actual innocence claims.'" Id. at  
9 1. The motion appears to be a mishmash of multiple motions and documents covering a variety  
10 of issues and is comprised predominately of citations to various statues without any cognizable  
11 request for relief. The motion will therefore be denied.

12 I. Three Strikes Analysis

13 Plaintiff seeks leave to proceed in forma pauperis under 28 U.S.C. § 1915(a). ECF No. 3.  
14 The Prison Litigation Reform Act of 1995 (PLRA) permits any court of the United States to  
15 authorize the commencement and prosecution of any suit without prepayment of fees by a person  
16 who submits an affidavit indicating that the person is unable to pay such fees. However,

17 [i]n no event shall a prisoner bring a civil action or appeal a  
18 judgement in a civil action or proceeding under this section if the  
19 prisoner has, on 3 or more occasions, while incarcerated or detained  
20 in any facility, brought an action or appeal in a court of the United  
21 States that was dismissed on the grounds that it is frivolous,  
malicious, or fails to state a claim upon which relief may be granted,  
unless the prisoner is under imminent danger of serious physical  
injury.

22 28 U.S.C. § 1915(g). The plain language of the statute makes clear that a prisoner is precluded  
23 from bringing a civil action or an appeal in forma pauperis if the prisoner has brought three  
24 frivolous actions and/or appeals (or any combination thereof totaling three). Rodriguez v. Cook,  
25 169 F.3d 1176, 1178 (9th Cir. 1999). "[Section] 1915(g) should be used to deny a prisoner's [in  
26 forma pauperis] status only when, after careful evaluation of the order dismissing an action, and  
27 other relevant information, the district court determines that the action was dismissed because it  
28 was frivolous, malicious or failed to state a claim." Andrews v. King, 398 F.3d 1113, 1121 (9th



1 Cir. 2005). “[W]hen a district court disposes of an in forma pauperis complaint ‘on the grounds  
2 that [the claim] is frivolous, malicious, or fails to state a claim upon which relief may be granted,’  
3 such a complaint is ‘dismissed’ for purposes of § 1915(g) even if the district court styles such  
4 dismissal as denial of the prisoner’s application to file the action without prepayment of the full  
5 filing fee.” O’Neal v. Price, 531 F.3d 1146, 1153 (9th Cir. 2008) (second alteration in original).  
6 Dismissal also counts as a strike under § 1915(g) “when (1) a district court dismisses a complaint  
7 on the ground that it fails to state a claim, (2) the court grants leave to amend, and (3) the plaintiff  
8 then fails to file an amended complaint” regardless of whether the case was dismissed with or  
9 without prejudice. Harris v. Mangum, 863 F.3d 1133, 1142-43 (9th Cir. 2017).

10 Inspection of other cases filed by plaintiff in this court has led to the identification of at  
11 least three cases brought by plaintiff that qualify as strikes. The court takes judicial notice of the  
12 following lawsuits filed by plaintiff:<sup>1</sup>

- 13 1. Dunigan v. United States, E.D. Cal. No. 2:10-cv-2965 MCE EFB (first amended  
14 complaint dismissed on May 18, 2012, without leave to amend for failure to comply with  
15 Federal Rule of Civil Procedure 8 where findings and recommendations included explicit  
16 finding that complaint failed to state a claim, appeared to be frivolous, and “lacks merit  
17 and ‘cannot possibly be saved’”);<sup>2</sup>
- 18 2. Dunigan v. United States, E.D. Cal. No. 2:10-cv-2992 JAM KJN (case dismissed as  
19 frivolous on May 2, 2011);

20 ///

21 ///

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23 <sup>1</sup> The court “may take notice of proceedings in other courts, both within and without the federal  
24 judicial system, if those proceedings have a direct relation to matters at issue.” United States ex  
25 rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)  
26 (citation and internal quotation marks omitted) (collecting cases); Fed. R. Evid. 201(b)(2) (court  
may take judicial notice of facts that are capable of accurate determination by sources whose  
accuracy cannot reasonably be questioned).

27 <sup>2</sup> Dismissal under Rule 8 can count as a strike where the underlying rationale for the Rule 8  
28 dismissal is one of the three categories outlined in § 1915(g). Knapp v. Hogan, 738 F.3d 1106,  
1109-10 (9th Cir. 2013).

1 3. Dunigan v. United States, E.D. Cal. No. 2:12-cv-3048 TLN CKD (complaint dismissed  
2 with leave to amend for failure to state a claim, and case dismissed on September 16,  
3 2013, for failure to file an amended complaint).

4 All of the preceding cases were dismissed well in advance of the December 8, 2019 filing<sup>3</sup>  
5 of the instant action and none of the strikes have been overturned. Therefore, this court finds that  
6 plaintiff is precluded from proceeding in forma pauperis unless she is “under imminent danger of  
7 serious physical injury.” 28 U.S.C. § 1915(g). To satisfy the exception, plaintiff must have  
8 alleged facts that demonstrate that she was “under imminent danger of serious physical injury” at  
9 the time of filing the complaint. Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007)  
10 (“[I]t is the circumstances at the time of the filing of the complaint that matters for purposes of  
11 the ‘imminent danger’ exception to § 1915(g).”); see also, Abdul-Akbar v. McKelvie, 239 F.3d  
12 307, 312-14 (3rd Cir. 2001); Medberry v. Butler, 185 F.3d 1189, 1192-93 (11th Cir. 1999);  
13 Ashley v. Dilworth, 147 F.3d 715, 717 (8th Cir. 1998); Banos v. O’Guin, 144 F.3d 883, 885 (5th  
14 Cir. 1998).

15 The complaint names ninety-six defendants, including individuals and both private and  
16 government entities, and makes allegations regarding plaintiff’s conviction, his ability to use the  
17 administrative appeals process, interference with previous lawsuits, unspecified retaliation, and  
18 various conspiracies. However, none of the allegations demonstrate an imminent risk of serious  
19 physical injury at the time of filing, and the undersigned will therefore recommend that plaintiff  
20 be required to pay the filing fee in full or have the complaint dismissed.

21 II. Plain Language Summary of this Order for a Pro Se Litigant

22 You have at least three strikes under § 1915(g) and cannot be granted in forma pauperis  
23 status unless you show the court that you were in imminent danger of serious physical injury at  
24 the time you filed the complaint. You have not shown that you were in imminent danger of  
25 serious physical injury and so it is being recommended that your motion to proceed in forma  
26 pauperis be denied.

27 \_\_\_\_\_  
28 <sup>3</sup> Since plaintiff is a prisoner proceeding pro se, she is afforded the benefit of the prison mailbox  
rule. Houston v. Lack, 487 U.S. 266, 276 (1988).

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motion for miscellaneous relief, ECF No. 6, is denied.

3 2. The December 20, 2019 findings and recommendations, ECF No. 5, are withdrawn.

4 IT IS FURTHER RECOMMENDED that plaintiff's motion to proceed in forma pauperis,  
5 ECF No. 3, be denied and plaintiff be ordered to pay the entire \$400.00 in required fees within  
6 thirty days or face dismissal of the case.

7 These findings and recommendations are submitted to the United States District Judge  
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
9 after being served with these findings and recommendations, plaintiff may file written objections  
10 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
11 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
12 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
13 (9th Cir. 1991).

14 DATED: January 8, 2020

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
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# PART I

## APPENDIX "F"

Ninth Circuit's Time Schedule ORDER

Dated: April 21, 2020

2-Sheets

Pg #'s

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Exhibit "C"

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 21 2020

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

KEVIN W. DUNIGAN,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION; CSP-LOS  
ANGELES COUNTY; BOARD OF  
PRISON TERMS; DEBBIE  
ASUNCION, Warden; SUSAN  
MORRIS; S. LEWIS; A. SWEABY;  
UNITED STATES OF AMERICA;  
DONALD J. TRUMP; EDMUND G.  
BROWN, Jr.; K. ESTRADA; G.  
STRATMAN; M. FORDHAM; A.  
OJEDA; S. RIVERA; A. MARTINEZ;  
CRAIG S. MEYERS; N. MARQUEZ; J.  
CURIEL; SCOTT KERNAN; RIOS;  
WILLIAMS; ROCHIE; FRIEDMAN;  
BENJAMIN T. RICE; R. BRANCH;  
MOZ; KOUZMITCH; JOHN SOTO; R.  
C. JOHNSON, Warden; J. CLARK  
KELSO, CALIFORNIA, et al.,

Defendants - Appellees.

No. 20-15723

D.C. No. 2:19-cv-02501-WBS-AC  
U.S. District Court for Eastern  
California, Sacramento

**TIME SCHEDULE ORDER**

Duly incorporating all parties, ECF No. 1, p. 1-3; 9th Cir R. 3-3; F.R. Evid. R. 104; R. 901; Bourjaily, 107 S.Ct. at 2777-2781 served on all parties, 9th Cir R. 32-1, to wit: 93 DEFENDANTS...

The parties shall meet the following time schedule.

Mon., June 15, 2020

Exhibit "D"  
Appellant's opening brief and excerpts of record  
shall be served and filed pursuant to FRAP 31 and  
9th Cir. R. 31-2.1.

**Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.**

**Appellants without representation of counsel in a prisoner appeal may have their case submitted on the briefs and record without oral argument, pursuant to FRAP 34(a).**

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Jessica Poblete Dela Cruz  
Deputy Clerk  
Ninth Circuit Rule 27-7

PART II

# APPENDIX "F"

Ninth Circuit Court of U.S. Appeals  
REFERRAL NOTICE of April 24, 2020

2-SHEETS

Page #'s

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 24 2020

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

KEVIN W. DUNIGAN,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION; et al.,

Defendants - Appellees.

No. 20-15723

D.C. No. 2:19-cv-02501-WBS-AC  
U.S. District Court for Eastern  
California, Sacramento

**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.



FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Cyntharee K. Powells  
Deputy Clerk  
Ninth Circuit Rule 27-7

# APPENDIX "G"

U.S.D.C. East Dist. of Calif.

Court of Appeals No. 20-15223 ORDER /  
April 24, 2020

3-SHEETS

Page #'s

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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KEVIN W. DUNIGAN,  
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
et al.,  
Defendants.

No. 2:19-cv-2501 WBS-AC  
Court of Appeals No. 20-15723  
ORDER

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This matter is before the court on referral from the Ninth Circuit for the limited purpose of determining whether in forma pauperis status should continue for defendant on appeal or whether the appeal is frivolous or taken in bad faith. For the following reasons, the court finds that the appeal is frivolous.

In screening plaintiff's complaint under 28 U.S.C. 1915A(a), Magistrate Judge Allison Claire found that the allegations in the complaint failed to present plausible factual allegations or legally coherent theories of liability

1 establishing a claim for relief. As Judge Claire pointed out,  
2 the complaint named ninety-six defendants, including individuals  
3 and both private and government entities; spanned over one  
4 hundred pages, not including exhibits; and appeared to be a  
5 jumble of multiple other filings. The complaint did not state  
6 any claims against any of the defendants. Instead it was  
7 comprised primarily of citations to various statutes, rules, and  
8 Bible verses.

9           To the extent the complaint made any allegations, they  
10 were rambling, nearly incomprehensible accusations of a far-  
11 reaching conspiracy by "homosexual liberals" to subject plaintiff  
12 to psychological abuse for "the purposes of gas lighting  
13 plaintiff's mental stability" and to punish him "for not  
14 accepting their criminal homosexual lifestyle" because of  
15 "plaintiff's own personal religious fundamental beliefs against  
16 homosexuality."

17           Plaintiff also made general allegations that former and  
18 current governors Brown and Newsom conspired with California  
19 Department of Corrections and Rehabilitation administration to  
20 arbitrarily deny his inmate appeals and prevent him from going to  
21 the law library so that he is unable to reveal political  
22 corruption and "in order to give the media time to abuse the  
23 subliminal messaging system too [sic] gain access in the . . .  
24 new universal Christ Kingdom although the media's prime intent is  
25 to aid the plight of the corrupt homosexual liberal democratic  
26 progressive movement."

27           Plaintiff appeared to go on to allege that he is the  
28 sovereign ruler of the universal Christ Kingdom and that these

1 actions are an attempt to take over his throne, and that there  
2 have been attempts to murder him by housing him "with gay inmate  
3 operatives."

4 Accordingly, Judge Claire recommended that the  
5 complaint be dismissed as legally frivolous. Judge Claire also  
6 recommended that the dismissal be without leave to amend because,  
7 given the nature of plaintiff's claims, there was no way for  
8 plaintiff to amend to state a claim upon which could be granted  
9 and leave to amend would be futile. (Docket No. 18). This court  
10 agreed and adopted the Magistrate Judge's Findings and  
11 Recommendations in full. (Docket No. 22).

12 For the foregoing reasons, this court concludes that  
13 plaintiff's appeal is frivolous and that forma pauperis status  
14 should not continue for defendant on appeal. A copy of this  
15 Order shall be delivered by the Clerk of this court to the Clerk  
16 of the United States Court of Appeals for the Ninth Circuit.

17 IT IS SO ORDERED.

18  
19 Dated: April 24, 2020

  
20 WILLIAM B. SHUBB  
21 UNITED STATES DISTRICT JUDGE  
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# APPENDIX "H"

Ninth Circuit Court of U.S. Appeals  
ORDER / May 5, 2020

2 - SHEETS

Page #'s

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1-2

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

MAY 05 2020

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

KEVIN W. DUNIGAN,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION; et al.,

Defendants - Appellees.

No. 20-15723

D.C. No. 2:19-cv-02501-WBS-AC  
U.S. District Court for Eastern  
California, Sacramento

**ORDER**

A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellant shall pay to the district court the \$505.00 filing and docketing fees for this appeal and file in this court proof of such payment or file in this court a motion to proceed in forma pauperis.

The filing of a motion to proceed in forma pauperis will automatically stay the briefing schedule under Ninth Circuit Rule 27-11.

The Clerk shall serve a Form 4 financial affidavit on appellant.

If appellant fails to comply with this order, this appeal may be dismissed by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Cyntharee K. Powells  
Deputy Clerk  
Ninth Circuit Rule 27-7



# APPENDIX "I"

Ninth Circuit Court of U.S. Appeals  
Denial Order

2-Sheets

Page #'s

1

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUL 14 2020

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

KEVIN W. DUNIGAN,

Plaintiff-Appellant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION; et al.,

Defendants-Appellees.

No. 20-15723

D.C. No.

2:19-cv-02501-WBS-AC

Eastern District of California,  
Sacramento

ORDER

A review of the record reflects that this appeal may be 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 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 remains stayed.

The Clerk shall serve on appellant: (1) a form motion to voluntarily dismiss the appeal, and (2) a form statement that the appeal should go forward. Appellant may use the enclosed forms for any motion to dismiss this appeal or statement that the appeal should go forward.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Kendall W. Hannon  
Deputy Clerk  
Ninth Circuit Rule 27-7

# APPENDIX "J"

Miscellaneous Law Library Circumvention  
Proves

3 - Sheets

Pg. #'s



1-8

To The Inspector General,

It has come to my perpetual attention that the C.D.E.R. administration here at C.S.P. - L.A. County, now under the watchful supervision of Warden R.C. Johnson, that the lax library has been in constant obstruction of my attempts to appeal my unlawful convictions of Sacramento County cases # 09F01221 and 07F06642. CCR§§3160.(a)(b)(1)(2)(3); 3120.(a)(b)(1)(2)(3); 3123.(a)(b)(c)(1)(2)(d); 3084.(d); Along while arbitrary homosexual misconduct and collusion with a corrupt band of inmate operatives are afoot. see U.S.D.C. East. Dist. of Calif. case # 2:19-cv-2501-WBS-AC, ECF No. I, p. 1-26; ECF No. 20, p. 1-25; CCR§§3380.(a)(1)(c); 3007; 3013; 3401-5.(a)(1)(2)(3)(A)(B)(C)(D)(E)(F)(4)(5)(b)(c)(d)(e)(f)(1)(g); 3401.6.(a)(b)(c)(d)(e); *Wolff v. Mc Donnell*, 418 U.S. 539, 555-557, 94 S. Ct. 2963, 2974-2975 (1974) (citing *Younger v. Gilmore*, 404 U.S. 15, 92 S. Ct. 250 (1971)); *Anderson v. Bessemer City*, 470 U.S. 564, 568-571, 94 L. Ed. 2d 518, 525-527, 105 S. Ct. 1504 (1985)...

I am currently attempting to use the legal paging system in order to initiate another

writ of error regarding this miscarriage of justice. I have had Appendices stolen out of a writ of certiorari which was forwarded to the U.S. Supreme Court on July 26, 2020, to the Ninth Circuit Court of U.S. Appeals collusion with said abuses. 9th Cir. #20-15723, Bd. at Cert, p-VI, p. 4-10; CCRSS 3380.(a); 3391.(a)(b)(c)(d); 3084.1(d); 3401.5(b); 3268.(a)(2)(3)(4)(5)(6)(7)(8)(9); 3120.(a)(b)(c)(2); 3085.; 3084.9.(a)(1)(A)(B)(2)(3)(4)(5)(A) 1. 2. 3. 4.; 3123.(c)(2)(d); 3162.(a)(b); F.R. Civ. P. Rule 60.(b)(3)(4) + (6); Title VII of the 1964 Civil Rights Act; Bus. & Prof. Code SS 6068.(a)(b) + (d); 6128.(a); Edwards v. Marin Park, Inc., 356 F.3d 1058, 1060-1061 (9th Cir. 2004); Gonzalez v. Crosby, 545 U.S. 524, 531-532, 162 L. ed 2d. 480, 492, 125 S. Ct. 2641 (2005); I am an ADA inmate to which they've sent back my quarterly package without informing ME of its arrival.

The aforementioned is true and correct executed this 4th day of August 2020, under penalty of perjury. 28 U.S.C. / 1746.

Kevin W. Dunigan  
Bn Pro Per Specialist  
G32435

I, Kevin W. Dunigan, do hereby declare that  
on the 04<sup>th</sup> day of August 2020, I did forward  
this 134 page complaint in an indigent envelope  
through the institutional legal mail process.  
ADDRESSED TO:

Office of the Inspector General  
Intake Unit  
10111 Old Placerville Rd. Ste. #110  
Sacramento, Calif. 95827

The aforementioned is true and correct ex-  
ecuted this 04<sup>th</sup> day of August 2020, under pen-  
alty of perjury. 28 U.S.C. 1746.

Kevin W. Dunigan

APPENDIX

"K"

1-SHEET

NINTH CIRCUIT

Sept. 18, 2020 Denial



UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

SEP 18 2020

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

KEVIN W. DUNIGAN,

Plaintiff-Appellant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION; et al.,

Defendants-Appellees.

No. 20-15723

D.C. No.

2:19-cv-02501-WBS-AC

Eastern District of California,  
Sacramento

ORDER

Before: O'SCANNLAIN, RAWLINSON, and CHRISTEN, Circuit Judges.

Upon a review of the record, the responses to the court's July 14, 2020 order, and the opening brief received on June 8, 2020, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 8), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot.

**DISMISSED.**

# APPENDIX "L"

U.S. Court of Appeals Ninth Circuit's  
MANDATE / Dated: Oct. 13, 2020

1- Sheet

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 13 2020

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

KEVIN W. DUNIGAN,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION; et al.,

Defendants - Appellees.

No. 20-15723

D.C. No. 2:19-cv-02501-WBS-AC  
U.S. District Court for Eastern  
California, Sacramento

**MANDATE**

The judgment of this Court, entered September 18, 2020, 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: Rhonda Roberts  
Deputy Clerk  
Ninth Circuit Rule 27-7

*Rec. 10-20-20*

# APPENDIX "M"

Ninth Circuit Court of U.S. Appeals'  
final MANDATE / Dated: Oct. 13, 2020

1- Sheet

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 13 2020

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

KEVIN W. DUNIGAN,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION; et al.,

Defendants - Appellees.

No. 20-15723

D.C. No. 2:19-cv-02501-WBS-AC  
U.S. District Court for Eastern  
California, Sacramento

**MANDATE**

The judgment of this Court, entered September 18, 2020, 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: Rhonda Roberts  
Deputy Clerk  
Ninth Circuit Rule 27-7

*Rec. 10-19-20*