

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MANDATE FILED MARCH 25, 2020 APPEAL
NO. 19-55351 D.C. No. 2:11 cv – 04996 PA
FMOx

U.S. District Court for Central California, Los
Angeles

DELANEY E. SMITH PHARM.D.,M.D

PLAINTIFF – APPELLANT,

AND PEOPLE OF THE UNITED STATES OF
AMERICA

PLAINTIFF,

v.

COUNTY OF LOS ANGELES; et al.,
Defendants – Appellees,

The judgment of this Court, entered on October 25,
2019 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 Cir. Rule
27 -7

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ORDER FILED MARCH 17, 2020 NO. 19-55351

D.C. NO. 2:11 cv 04996 -PA FMO
CENTRAL DISTRICT OF CALIFORNIA LOS
ANGELES

DELANEY E. MSITH PHARM.D.,M.D.
Plaintiff - Appellate

AND PEOPLE OF THE UNITED STATES OF
AMERICA,
Plaintiff
v.

COUNTY OF LOS ANGELES; et al.,
Defendants - Appellees

Before: Silverman, W. Fletcher, and Rawlinson,
Circuit Judges.

Appellant's motion to disqualify the panel (Docket Entry No. 19) is denied. Appellant has filed a motion for reconsideration and motion for reconsideration en banc (Docket Entry No. 20,23) is denied.

The motion for reconsideration is denied and the motion for reconsideration en banc is denied on behalf of the court. See 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11 No further filings will be entertained in this closed case.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

CASE NO. CV 11-4996 PA (FMOx) 12/11/18

PEOPLE OF THE UNITED STATES OF
AMERICA et. al.

v.

COUNTY OF LOS ANGELES et. al.

PERCY ANDERSON, UNITED STATES
DISTRICT JUDGE

PROCEEDINGS: COURT ORDER

Before the Court is a Motion to Reopen filed by pro se plaintiff Delaney Smith Jr. ("Plaintiff") (Docket No. 57.) Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, for the Court finds this matter is appropriate for decision without oral argument. The hearing calendared for January 7, 2019 is vacated, and the matter taken off calendar.

Plaintiff filed this action in Los Angeles Superior Court on April 11, 2011. After defendants removed the action this Court, the Court remanded the case upon Plaintiff's explicit disclaimer of federal claims alluded to in the Complaint. (See Minute Order of July 25, 2011, CV 11-4996 PA (FMOx). After the Superior court dismissed Plaintiff's action with

prejudice, Plaintiff attempted to remove the action to this Court. The Court remanded the action, as plaintiffs cannot remove their own cases to federal court. (See Minute Order of April 5, 2012, CV 12-1963 PA (FMOx). After further unsuccessful attempts at litigating in state court, Plaintiff filed a Motion to Vacate Void Rulings and Judgment. The court denied the motion, explaining that the Court lacks subject matter jurisdiction over the action and lacks the power to vacate state court rulings. (See Minute Order of December 11, 2012 CV 11-4996 PA (FMOx)

The Court further ordered the Clerk to reject any subsequent filings by Plaintiff. This Motion to Reopen is not exception to that order and is therefore denied. The Clerk is ordered to reject any subsequent filings by Plaintiff including any further motions to reopen filed in this action or People of the United States of America et. al v. County of Los Angeles et. al CV 12 1963 (FMOX)
It is so Ordered

In light of Plaintiff's numerous, frivolous filings in his state action – including 49 pleadings, 10 unsuccessful requests for entry of default, and various other recusal motions – Plaintiff was declared a vexatious litigant by the Superior Court on September 19, 2012 (See Docket No. 37 at 15-16 CV 11- 4996 PA FMOx)

5

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ELECTRONIC FILING

The following transaction was entered on 3/18/20 at
1:49 PM PDT and filed on 3/18/2020

CASE NAME: People of the United States of
America et. al.

CASE NUMBER: 2:11 CV 04996 pa fmo

WARNING CASE CLOSED on 7/25/11

Document No. 64

Docket Text:

Notice of Clerical Error: Due to Docket entry item
[63] was docketed with the incorrect event. The
document is an order not mandate. The appeal has
been reopen until the 9th Circuit Mandate is issued.
(mat)

2:11 cv 04996 PA Notice has been electronically
mailed to Jennifer E. Gysler Clayton C.
Averbuck....

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

People of the United States of America et. al.

Plaintiffs

v.

County of Los Angeles

Defendants

Notice of Clerical Error

You are hereby notified of clerical error:

Other: Docket entry [63] was docketed with the incorrect event. The document is an order not mandate. The appeal has been reopen until the 9th Cicuit Mandate is issued.

Date March 18, 2020
Torres

Clerk U.S. District

Deputy Clerk

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

TO U.S. JUDGE PERCY ANDERSON
FROM T. DURANT DEPUTY CLERK

DATE RECEIVED 9/6/11 cv 11 4996 PA
(FMOx)

Document entitled: Plaintiff's Notice of State Clerk
Error in Failing to File Order to Remand; etc

Case Closed: Judicial Review Required

ORDER

The document is not to be filed and processed but instead REJECTED, AND ORDERED returned to counsel. Counsel shall immediately notify in writing, all parties previously served with the attached documents that said documents have not been filed with the court.

9/6/11 District Court Judge Percy Anderson

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT COURT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

To: District Court Judge Anderson

From L. Rayford Deputy Clerk
Date Received 11/21/12

FILED NOVEMBER 26, 2012

Case No. CV 11 4996 PA (FMOx)

Case: People of the United States v. County of Los Angeles

Document Entitled: Application for Default Judgment

CASE IS CLOSED; MOTION TO VACATE STILL PENDING

Document is not to be filed but instead REJECTED and is ordered returned counsel Counsel shall immediately notify in writing all parties previously served documents that said documents have not been filed with the court. 11/26/12

Judge Percy Anderson District Court Judge

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

2:12 CV 1963 pa (fmoX)

PEOPLE OF THE UNITED STATES OF
AMERICA et. al.

Clerk cannot enter the request Default of
defendants filed on 3/12/2012 for the following
reason(s)

Case terminated on 3/13/12 and Remanded back
to State Court

Clerk of Court
By Phyllis Lopez
Deputy Clerk

DATE: March 14, 2012

NOTICE OF DEFICIENCY DEFAULT/DEFAULT
JUDGEMENT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES GENERAL

CV 12 - 1963 PA (FMOx) DATE: March 13, 2012

Present Judge Percy Anderson

Proceedings: In Chambers Court Order

The court is in receipt of a Notice of Removal filed by plaintiff Delaney Smith (Plaintiff) his Complaint, plaintiff Delaney Smith Jr. a civil surgeon for the United States of America who appears pro se (Notice of Removal at 2) alleges number of state law clauses of action related to his rejection for a position as a medical staff specialist at the Los Angeles MLK ambulatory Care Center.

Plaintiff's attempt to remove the complaint must fail. As provided in 28 U.S.C sec 1441(a) civil actions over which the court has jurisdiction "may be removed by defendants." Accord 28 USC section 1446(a) listing the documents that a defendant or defendants desiring to remove any civil action to federal court must file to effectuate the removal)..... Plaintiff simply is not entitled to remove the underlying action to federal court, and thus must be remanded to Superior Court. See 28 USC sec 1447(c). Accordingly, this action is hereby remanded to Los Angeles Superior Court, Case No BC 4559413 See U.S.C. sec 1447(c)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED JAN 3, 2018 MOLLY DWYER CLERK

NO. 16-56176

ORDER

D.C. NO. 2:00-CV-05986-RGK CWX

DELANEY E. SMITH, JR. M.D., an
individual,

Plaintiff-Appellant,

And

STEPHANIE SMITH, an individual,
BALDWIN HILLS MEDICAL GROUP
CORPORATION, a California Medical Corporation

Plaintiffs,

v.

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY; et al

Defendant-Appellees

Before: THOMAS, Chief Judge, and Silverman
and Rawlinson Circuit Judges:
Smith's petition for rehearing en banc (Docket
Entry No. 28) is rejected as untimely. All pending
motions and requests are denied. No further filings
will be entertained in this closed case.

STATE OF CALIFORNIA
DIVISION OF WORKERS COMPENSATION

Case No. MON 206148

Joyce Chapman Applicant

v.

Los Angeles County MTA Defendants

An application having been filed herein: all parties having appeared and the matter having been regularly submitted, the Honorable Pamela Foust Workers Compensation Administrative Law Judge Finds and ORDERS THE FOLLOWING:

FINDINGS OF FACT

1. The WCAB lacks subject matter jurisdiction over the claim of the Baldwin Hills Medical Group.
2. Labor Code section 4609.2 does not apply to said claim for services in connection with 1993 injury
3. SAID CLAIM IS NOT BARRED BY THE DOCTRINE OF LACHES OR EQUITABLE ESTOPPEL

DATE: 1/17/01

Served on Parties and interested lien claimants on the above date By Ester Boltton

By Workers Compensation Administrative Judge Pamela Foust