
In the
Supreme Court of the United States

CONSTANTINO BASILE,
Petitioner

v.

THE LOS ANGELES FILM SCHOOL,
LLC. *ET. AL.*,
Respondent

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

APPENDIX TO PETITION FOR
WRIT OF CERTIORARI

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APPENDIX A

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MATTERS – GENERAL

D.C. No. 2:18-cv-098604-CJC (ADS)

CONSTANTINO BASILE, an individual,

Petitioner

v.

THE LOS ANGELES FILM SCHOOL, LLC.
ET AL.

Respondents

November 24, 2020

Proceedings: IN CHAMBERS - ORDER STRIKING
PLAINTIFF'S MOTION TO DISQUALIFY
JUDICIAL OFFICERS (Doc. 217)

Before - HONORABLE JOSEPHINE L. STATON,
UNITED STATES DISTRICT JUDGE

Presently before the Court is Plaintiff's Motion to Recuse the Honorable Cormac J. Carney, District Judge, and the Honorable Autumn D. Spaeth, Magistrate Judge. (Doc. 217.) Pursuant to General Order 14-03 and Local Rule 72-5, this matter was referred to the Court for determination of the disqualification issue. (Doc. 218.)

The Court has reviewed Plaintiff's Motion to Recuse and reviewed the record in this matter. This is a closed case. Specifically, the Court dismissed this case with prejudice and declared Plaintiff a vexatious litigant. (*See* Docs. 185-186.) Plaintiff appealed, but the Ninth Circuit affirmed the Court's dismissal and vexatious litigant order. (*See* Doc. 213 (Ninth Cir. Sept. 10, 2020 Order.) The Ninth Circuit also rejected Plaintiff's Motion for Stay of the Mandate, which it construed as a motion to recall the mandate. (Doc. 216 (Ninth Cir. Nov. 5, 2020 Order).)

On this record, because there is nothing left to decide in this case, the Court STRIKES Plaintiff's Motion to Disqualify the named judicial officers.

IT IS SO ORDERED

Initials of Deputy

Clerk: mku

CC: Judge Carney's Chamber

APPENDIX B

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MATTERS – GENERAL

D.C. No. 2:18-cv-098604-CJC (ADS)

CONSTANTINO BASILE, an individual,

Petitioner

v.

THE LOS ANGELES FILM SCHOOL, LLC.
ET AL.

Respondents

October 17, 2019

Proceedings: IN CHAMBERS · ORDER ACCEPTING
REPORT AND RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE AND DISMISSING
CASE

Before · HONORABLE CORMAC J. CARNEY,
UNITED STATES DISTRICT JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, including the Report and Recommendation (“R&R”) dated September 30, 2019 [Dkt. No. 179] and Plaintiff’s Objections to the R&R (“Objections”) [Dkt. No. 181] and related documents.

Nothing in the Objections refutes the Magistrate Judge’s finding that all claims in the current case are barred by res judicata, collateral estoppel, basic pleading principles, litigation privilege, and frivolousness. See [Dkt. No. 179, p. 3]. First, Plaintiff requests de novo review of the Complaint pursuant to “Rule 59.” [Dkt. No. 181, p. 9]. However, after a Report and Recommendation has been issued by the assigned magistrate judge, the appropriate route for Plaintiff to challenge the Magistrate Judge’s findings and recommendation is by filing objections, as he has done. See Fed. R. Civ. P. 72(b)(2). Plaintiff also restates allegations from the Complaint and asserts new allegations related to the purported conspiracy described in his Complaint. [Dkt. No. 181, pp. 9-14]. Second, Plaintiff raises objections to specific portions of the R&R, but these objections do nothing more than state a disagreement with the result. Nothing in Plaintiff’s objections raises any issue that was not clearly addressed in the R&R. [Dkt. No. 181, pp. 14-20].

Further, Plaintiff has not presented any arguments as to why he should not be deemed a vexatious litigant. Plaintiff merely argues that the dismissal of his prior claims in *Basile v. Southwest Airlines*, Case No. 2:15-cv-01883-RFB-VCF (D. Nev.), was improper. However, Plaintiff appealed that decision to the Ninth Circuit, which affirmed the district court's dismissal. *Basile v. Southwest Airlines*, 765 F. App'x 145 (9th Cir. 2019).

As such, after thorough analysis and consideration of the Complaint, the Motions to Dismiss, and the Report and Recommendation, and having performed a de novo review of those portions to which objections were made, the Court concurs with and accepts the findings, conclusions, and recommendations of the Magistrate Judge.

Accordingly, IT IS HEREBY ORDERED:

1. The United States Magistrate Judge's Report and Recommendation, [Dkt. No. 179], is accepted;
2. Defendants' Motions to Dismiss [Dkt. Nos. 28, 34, 36, 40, 45, 46, 50, 51, 52, 57, 61, 85, 101, 105, 107, 116, 122, 131, 136] are granted; after a Report and Recommendation has been issued by the assigned magistrate judge, the appropriate route for Plaintiff to challenge the Magistrate Judge's findings and recommendation is by filing objections, as he has done. See Fed. R. Civ. P. 72(b)(2). Plaintiff

also restates allegations from the Complaint and asserts new allegations related to the purported conspiracy described in his Complaint. [Dkt. No. 181, pp. 9-14]. Second, Plaintiff raises objections to specific portions of the R&R, but these objections do nothing more than state a disagreement with the result. Nothing in Plaintiff's objections raises any issue that was not clearly addressed in the R&R. [Dkt. No. 181, pp. 14-20].

3. The case is dismissed with prejudice;
4. A separate order is to be issued deeming Plaintiff a vexatious litigant; and
5. Judgment is to be entered accordingly.

DATED: October 17, 2019

APPENDIX C

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MATTERS – GENERAL

D.C. No. 2:18-cv-098604-CJC (ADS)

CONSTANTINO BASILE, an individual,

Petitioner

v.

THE LOS ANGELES FILM SCHOOL, LLC.
ET AL.

Respondents

October 17, 2019

Proceedings: IN CHAMBERS - ORDER DEEMING
PLAINTIFF A VEXATIOUS LITIGANT

Before - HONORABLE CORMAC J. CARNEY,
UNITED STATES DISTRICT JUDGE

IT IS HEREBY ORDERED that plaintiff Constantino Basile is deemed a vexatious litigant pursuant to 28 U.S.C. § 1651(a) and is ENJOINED AND PROHIBITED from filing any new complaint, petition, or other action related to his film school projects, copyright infringement, or the alleged related conspiracy without pre-filing review by a judge of this Court. The Clerk of Court is authorized to reject, refuse to file, and discard any new complaint, petition or other new action in violation of this order.