

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAY 11 2021

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

MICHAEL E. HARRIS,

Plaintiff-Appellant,

v.

ANTHONY AKIDI, Owner Havenly Homes
Foundation, in his official and his individual
capacities,

Defendant-Appellee.

No. 21-55035

D.C. No.

2:20-cv-11348-DMG-MRW
Central District of California,
Los Angeles

ORDER

Before: PAEZ, BERZON, and HUNSAKER, Circuit Judges.

Upon a review of the record and the response to the court's February 18, 2021 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 3), *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).

DISMISSED.

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FEB 18 2021

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Central District of California,
Los Angeles

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.

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: Allison Taylor
Deputy Clerk
Ninth Circuit Rule 27-7

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

Michael E. Harris,

PLAINTIFF(S)

v.

Anthony Akidi,

DEFENDANT(S)

CASE NUMBER

CV 20-11348 DMG (MRW)

**ORDER RE REQUEST TO PROCEED
IN FORMA PAUPERIS**

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby GRANTED.

Date

United States Magistrate Judge

IT IS RECOMMENDED that the Request to Proceed *In Forma Pauperis* be **DENIED** for the following reason(s):

- ☐ Inadequate showing of indigency
☒ Legally and/or factually patently frivolous
☐ Other: _____

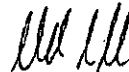
- ☒ District Court lacks jurisdiction
☐ Immunity as to _____

Comments:

Plaintiff purports to bring a federal civil rights claim [42 USC 1983] against his landlord for spraying bleach on floor of apartment. Complaint does not allege that landlord is a state actor subject to potential liability under Sec. 1983. Further, Los Angeles plaintiff cannot invoke diversity of citizenship jurisdiction against Pomona-based defendant for supplemental state claims.

December 16, 2020

Date



Michael R. Wilner

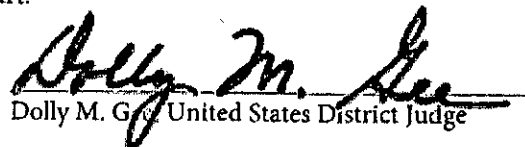
United States Magistrate Judge

IT IS ORDERED that the Request to Proceed *In Forma Pauperis* is hereby:

- ☐ GRANTED
☒ DENIED (see comments above). IT IS FURTHER ORDERED that:
☐ Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.
☐ This case is hereby DISMISSED immediately.
☐ This case is hereby REMANDED to state court.

December 16, 2020

Date



Dolly M. Gray, United States District Judge



U.S. Department of Justice

Civil Rights Division

JFF:ma:kyb
144-12C-0
1073973

*Criminal Section - PHB
950 Pennsylvania Ave, NW
Washington DC 20530*

Mr. Michael E. Harris
1439 Carol Drive
Pomona, CA 91767-4573

SEP 16 2019

Dear Mr. Harris:

Thank you for your correspondence. The Civil Rights Division relies on information from community members to identify potential civil rights violations. The Federal Bureau of Investigation and other law enforcement agencies conduct investigations for the Division. Therefore, you may want to contact your local FBI office or visit www.FBI.gov.

The Criminal Section is one of several Sections in the Civil Rights Division of the U.S. Department of Justice. We are responsible for enforcing federal criminal civil rights statutes. The Criminal Section prosecutes criminal cases involving:

- Civil rights violations by persons acting under color of law, such as federal, state, or other police officers or corrections officers;
- Hate crimes;
- Force or threats intended to interfere with religious activities because of their religious nature;
- Force or threats intended to interfere with providing or obtaining reproductive health services and
- Human trafficking in the form of coerced labor or commercial sex.

We cannot help you recover damages or seek any other personal relief. We also cannot assist you in ongoing criminal cases, including wrongful convictions, appeals, or sentencing. For more detailed information about the Criminal Section or the work we do, please visit our web page: www.justice.gov/crt/about/crm/.

We will review your letter to decide whether it is necessary to contact you for additional information. We do not have the resources to follow-up on or reply to every letter. If your concern is not within this Section's area of work, you may wish to consult the Civil Rights Division web page to determine whether another Section of the Division may be able to address your concerns: www.justice.gov/crt. Again, if you are writing to report a crime, please contact the federal and/or state law enforcement agencies in your local area, such as the Federal Bureau of Investigation or your local police department or sheriff's office.

Sincerely,
/s/

The Criminal Section



U.S. Department of Justice

Civil Rights Division

JFF:ma:rc
DJ 144-12C-0
1074068

*Criminal Section - PHB
150 M Street NE
Washington DC 20002*

Mr. Michael E. Harris
1439 Carol Drive
Pomona, CA 91767

OCT 04 2019

Dear Mr. Harris:

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Sincerely,

/s/

The Criminal Section



U.S. Department of Justice

Civil Rights Division

JFF:ma:rc
DJ 144-12C-0
1073954

*Criminal Section
150 M Street NE
Washington DC 20002*

Mr. Michael E. Harris
1439 Carol Drive
Pomona, CA 91767

NOV 14 2019

Dear Mr. Harris:

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Sincerely,

/s/

The Criminal Section



U.S. Department of Justice

Civil Rights Division

JFF:ma:rc
DJ 144-12C-0
1074057

*Criminal Section
150 M Street NE
Washington DC 20002*

Mr. Michael E. Harris
1439 Carol Drive
Pomona, CA 91767

DEC 20 2019

Dear Mr. Harris:

Thank you for your correspondence. The Civil Rights Division relies on information from community members to identify potential civil rights violations. The Federal Bureau of Investigation and other law enforcement agencies conduct investigations for the Division. Therefore, you may want to contact your local FBI office or visit www.FBI.gov.

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The Criminal Section