

APPENDIX

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

Order of U.S. Court of Appeals for
9th Circuit
(August 26, 2021)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 26 2021

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

ANTHONY A. PATEL,

Plaintiff-Appellant,

v.

PATRICIA MILLER; et al.,

Defendants-Appellees,

No. 21-55192

D.C. No.

2:19-cv-00080-CBM-AFM

Central District of California,
Los Angeles

ORDER

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

Appellant has filed a petition for rehearing and petition for rehearing en banc, which is construed as a combined motion for reconsideration and motion for reconsideration en banc (Docket Entry No. 17).

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.

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

Order of U.S. Court of Appeals for
9th Circuit
(May 18, 2021)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

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

ANTHONY A. PATEL,

Plaintiff-Appellant,

v.

PATRICIA MILLER; et al.,

Defendants-Appellees.

No. 21-55192

D.C. No. 2:19-cv-00080-CBM-
AFM
Central District of California,
Los Angeles

ORDER

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

A review of the record indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

We modify the district court's February 4, 2021 post-judgment vexatious litigant order (District Court Docket Entry No. 326) as follows: in the last paragraph of this order delete the words "further filings" and replace them with "further filings in this action CV-19-0080". *See* 28 U.S.C. § 2106; *Moy v. United States*, 906 F.2d 467, 471 (9th Cir. 1990) (affirming as modified a pre-filing order determined to be overly broad). In all other respects, the district court's post-judgment orders are affirmed.

Appellees' motion for summary affirmance (Docket Entry No. 10) is granted in part.

All other pending motions are denied as moot.

Each party shall bear its own costs on appeal.

AFFIRMED AS MODIFIED.

Orders of U.S. District Court for
the Central District of California
(February 4, 2021)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV-19-0080-CBM-(AFMx) Date February 4, 2021

Title Anthony A. Patel v. Patricia Miller et al.

Present: The Honorable CONSUELO B. MARSHALL, UNITED STATES DISTRICT JUDGE

YOLANDA SKIPPER
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff:
NONE PRESENT

Attorneys Present for Defendants:
NONE PRESENT

Proceedings:

**IN CHAMBERS- ORDER DIRECTING CLERK TO REJECT FILINGS
BY PLAINTIFF IN THIS CASE, WHICH WAS CLOSED ON
OCTOBER 4, 2019**

On October 4, 2019, the Court dismissed Plaintiff's Second Amended Complaint with prejudice, and the case was closed on that date. (Dkt. No. 267.) On June 25, 2020, the Ninth Circuit summarily affirmed this Court's order dismissing the Second Amended Complaint with prejudice. (Dkt. No. 300.) Although this case was closed over one year ago, Plaintiff continues to file documents in this case.

Accordingly, the Court exercises its inherent power to control its docket, and directs the clerk to reject any future filings by Plaintiff in this case. *See Davis v. Adler*, 765 F. App'x 400, 401 (9th Cir. 2019) ("The district court did not abuse its discretion in exercising its inherent power to reject documents for filing because they were submitted over one year after the district court closed Davis's case."); *Smith v. Cty. of Los Angeles*, 667 F. App'x 262, 263 (9th Cir. 2016) ("The district court did not abuse its discretion in exercising its inherent power to strike Smith's filings from the docket because they were filed nearly thirteen months after the district court closed the case, and the district court had previously directed the district court clerk to reject any future filings that Smith made in the case."); *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (federal district courts have the "inherent power to control their docket").

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV-19-0080-CBM-(AFMx) Date February 4, 2021

Title Anthony A. Patel v. Patricia Miller et al.

Present: The Honorable CONSUELO B. MARSHALL, UNITED STATES DISTRICT JUDGE

YOLANDA SKIPPER
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff:

NONE PRESENT

Attorneys Present for Defendants:

NONE PRESENT

Proceedings:

**IN CHAMBERS- ORDER DECLARING PLAINTIFF ANTHONY A.
PATEL AS A VEXATIOUS LITIGANT**

On December 10, 2020, the Court ordered Plaintiff to show cause no later than December 18, 2021, why he should not be declared a vexatious litigant, and why an order should not be issued directing the Clerk to not accept further filings from Plaintiff without written authorization from a judge of the Court issued upon such showing of evidence supporting the claim as the judge may require. (Dkt. No. 316.) The Court granted Plaintiff's request for an additional 30 days to respond to the OSC and ordered Plaintiff's response to be filed no later than January 19, 2021. (Dkt. No. 318.) No response was filed by Plaintiff.¹

On July 3, 2019, the Court granted Defendants' Motion to Dismiss the First Amended Complaint ("FAC") for failure to state a claim with leave to amend as to certain claims. (Dkt. No. 204 ("Order Dismissing the FAC").) On August 5, 2019, Plaintiff filed a Second Amended Complaint ("SAC"). (Dkt. No. 231.) On October 4, 2019, the Court dismissed the SAC with prejudice and denied Plaintiff's Motion to Change Venue and Motion for Leave to Seek Early Discovery as moot. (Dkt. No. 267 (the "Order Dismissing the SAC").) On December 14, 2019, Plaintiff filed a Motion for Reconsideration and Relief from the Order Dismissing the SAC. (Dkt. No. 271 (the "Motion for Reconsideration").) On November 4, 2019, Plaintiff filed a notice of appeal of the Court's Order. (Dkt. No. 268.) On December 20, 2019, the Court denied Plaintiff's Motion for Reconsideration because Plaintiff had filed

¹ On January 28, 2021, Plaintiff filed a request for an extension of time to July 6, 2021 to file a response to the OSC (Dkt. No. 321), which was denied based on Plaintiff's failure to demonstrate good cause for another extension.

a notice of appeal which divests this Court of jurisdiction to reconsider the Order Dismissing the SAC. (Dkt. No. 292 (“Order Denying Motion for Reconsideration”).)

On January 17, 2020, Plaintiff filed a motion for reconsideration of the Court’s Order Denying Motion for Reconsideration, wherein Plaintiff requested that the Court reconsider the Court’s denial of Plaintiff’s Motion for Reconsideration by providing an “indicative ruling under Rule 62.1, FRCP and Rule 12.1, FRAP.” (Dkt. No. 294.) On January 31, 2020, the Court stated its “‘indicative ruling’ on Plaintiff’s original Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 62.1 is to deny the Motion for Reconsideration.” (Dkt. No. 296 (“Order re: Indicative Ruling”).)

On March 2, 2020, Plaintiff filed a notice of appeal of the Order Denying Motion for Reconsideration and Order re: Indicative Ruling. (Dkt. No. 297.) On appeal, the Ninth Circuit granted Defendants’ motion for summary affirmance, finding “the questions raised in this appeal are so insubstantial as not to require further argument.” (Dkt. No. 300.)

On August 25, 2020, Plaintiff filed a motion seeking “relief” from the Court’s Order Dismissing the SAC, Order Denying Motion for Reconsideration, and Order re: Indicative Ruling pursuant to Federal Rule of Civil Procedure 60(b). (Dkt. No. 303 (“Motion for Relief”).) On October 27, 2020, the Court denied Plaintiff’s Motion for Relief because Plaintiff failed to demonstrate any material change in fact or law warranting “relief” from the Court’s prior orders pursuant to Rule 60(b). (Dkt. No. 304 (“Order Denying Motion for Relief”).)

On December 3, 2020, Plaintiff filed a “renewed motion for relief” from the Court’s Order Dismissing the FAC, Order Dismissing the SAC, Order Denying Motion for Reconsideration, Order re: Indicative Ruling pursuant to Federal Rule of Civil Procedure 60(b), and Order Denying Motion for Relief pursuant to Federal Rule of Civil Procedure 60. (Dkt. No. 309.) On December 9, 2020, the Court denied Plaintiff’s “renewed motion for relief” because Plaintiff failed to demonstrate any material change in fact or law warranting “relief” from the Court’s prior orders pursuant to Rule 60. (Dkt. No. 312.)

On December 10, 2020, Plaintiff filed a “Motion for Relief Per U.S. Elections of 2004, 2006, 2008, 2010, 2012, 2014, 2016, 2018, 2020, 2022 and 2024” (Dkt. No. 313) and a “Motion for Judges of This District Court To Obtain Permission of the U.S. Supreme Court Before Issuing Any Further Rulings” (Dkt. No. 314), which were denied by the Court on February 4, 2021.

Having reviewed the record in this case, and Court finds Plaintiff’s filings after the Court’s dismissal of the SAC on October 4, 2019, are unsupported by evidence and law, are frivolous, have unduly burdened the Court, are an abuse of the Court’s process, and are likely to continue unless protective measures are taken. See L.R. 83-8 (the Court has the “inherent power” to “control vexatious litigation” and may issue an order against a vexatious litigant upon finding “the litigant to whom the order is issued has abused the Court’s process and is likely to continue such abuse, unless protective measures are taken”); *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007) (“Flagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants.”) (internal quotations and citation omitted).

Accordingly, the Court declares Plaintiff Anthony Patel to be a vexatious litigant, and pursuant to Local Rules 83-8.2 directs the Clerk not to accept further filings from Patel without payment of

normal filing fees and without written authorization from a judge of the Court issued upon such showing of the evidence supporting the claim as the judge may require. *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007).

IT IS SO ORDERED.