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Exh-1

United States District Court for the
District of New Jersey - Newark

File Number 20-cv-12356-SDW-LDW

Palani Karupaiyan et al

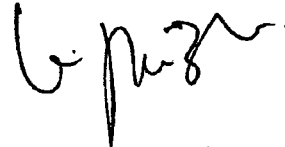
v.

L NAGANDA *et al.*,

Notice of Appeal-amended

Notice is hereby given that Palani Karupaiyan, (plaintiffs) in the above named case, hereby appeal to the United States Court of Appeals for the 3rd Cir Or US Supreme Court from an order(s) of dismissal entered in this action on the May 20, 2022 order and opinion and other listed orders and opinions below.

(s) _____



Jun 09 2022

Attorney for Pro se

Address: palanikay@gmail.com

212-470-2048(m)

Appealable orders, opinion attached as below.

- 1) ECF(56) WHEREAS OPINION dated May 20 2022
- 2) ECF(57) WHEREAS Order dated May 20 2022,
Sua Sponte dismissal of Second amended complaint (SAC) ECF-31
- 3) ECF(44) Opinion date Aug 12 2021
- 4) ECF(45) Order Dismissing FAC dated Aug 12 2021
- 5) ECF(43) Order denying 3rd amended complaint
- 6) ECF(34) Order Denying appoint pro bono attorney
- 7) ECF(19) Order denying Marshal service
- 8) ECF(3) Sua Sponte Dismissal of complaint dated Oct 1 2020
- Post Judgment orders**
- 9) ECF(65) order denying pro bono or Guardian ad litem (6/6/20s22)
- 10) ECF(66) Order denying Permanent injunction (6/8/2022)

NOT FOR PUBLICATION

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Exh-2

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Plaintiff,

v.

L NAGANDA *et al.*,

Defendants.

Civil Action No. 20-12356 (SDW)(LDW)

WHEREAS ORDER

May 20, 2022

WIGENTON, District Judge.

THIS MATTER having come before this Court upon *pro se* Plaintiff Palani Karupaiyan's filing of a Second Amended Complaint (D.E. 31), and this Court having *sua sponte* reviewed the Second Amended Complaint for sufficiency pursuant to Federal Rule of Civil Procedure 8(a)(2) and (3) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), for the reasons stated in this Court's Whereas Opinion dated May 20, 2022,

IT IS, on this 20th day of May 2022,

ORDERED that the Second Amended Complaint is **DISMISSED WITH PREJUDICE**.¹

SO ORDERED.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk

¹ To the extent that there is any confusion regarding the validity of the First Amended Complaint, the First Amended Complaint is dismissed for the reasons previously stated in this Court's Opinion dated August 12, 2021.

cc: Parties
Leda D. Wettre, U.S.M.J.

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Exh-3

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Plaintiff,

v.

L NAGANDA *et al.*,

Defendants.

Civil Action No. 20-12356 (SDW)(LDW)

WHEREAS OPINION

May 20, 2022

WIGENTON, District Judge.

THIS MATTER having come before this Court upon *pro se* Plaintiff Palani Karupaiyan's ("Karupaiyan" or "Plaintiff") Second Amended Complaint, filed on May 24, 2021 (D.E. 31), and this Court having *sua sponte* reviewed the Second Amended Complaint for sufficiency pursuant to Federal Rule of Civil Procedure ("Rule") 8(a)(2) and (3) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); and

WHEREAS by Order dated October 1, 2020, this Court granted Plaintiff's application to proceed *in forma pauperis*, dismissed all claims in Plaintiff's initial Complaint against a number of New Jersey state court judges with prejudice on the basis of absolute immunity, dismissed the remaining claims in the initial Complaint without prejudice, and gave Plaintiff 30 days to file an Amended Complaint (D.E. 3); and

WHEREAS on October 8, 2020, Plaintiff filed a Notice of Appeal to the United States Court of Appeals for the Third Circuit on this Court's October 1, 2020 Order. (D.E. 5.) That same

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day, Plaintiff filed a 347-page First Amended Complaint on October 8, 2020 (D.E. 7), which had yet to be screened due to Plaintiff's serial appeals to the United States Court of Appeals for the Third Circuit. The body of the First Amended Complaint reiterated many of the same allegations against New Jersey state court judges that was previously dismissed with prejudice. (*See id.* ¶¶ 32-49); and

WHEREAS on May 24, 2021, Plaintiff filed a 468-page Second Amended Complaint, (D.E. 31), although his First Amended Complaint had yet to be screened due to a series of appeals that remained pending in the United States Court of Appeals for the Third Circuit; and

WHEREAS on June 11, 2021, Defendant County of Middlesex ("Defendant") filed a Motion to Dismiss the First Amended Complaint, although one of Plaintiff's appeals remained pending. (D.E. 33.) In that Motion to Dismiss, Defendant argued that Plaintiff's Complaint failed to articulate a coherent short and plain statement that would entitle Plaintiff to relief, as required by Rule 8, and further failed to state a plausible claim to relief pursuant to Rule 12(b)(6). (*See generally id.*) Plaintiff opposed the Motion to Dismiss on June 18, 2021, (D.E. 35), and Defendant replied on June 29, 2021 (D.E. 36); and

WHEREAS on July 13, 2021, Plaintiff filed a Motion for an Extension of Time to File a Third Amended Complaint, (D.E. 39), although his First Amended Complaint had yet to be screened due to his pending appeal. That same day, Plaintiff also filed a Motion for a Permanent Injunction (D.E. 38); and

WHEREAS on August 5, 2021, the United States Court of Appeals for the Third Circuit dismissed Plaintiff's final pending appeal for lack of jurisdiction (D.E. 40); and

WHEREAS on August 11, 2021, Magistrate Judge Leda D. Wettre denied Plaintiff's Motion for an Extension of Time to File a Third Amended Complaint. (*See* D.E. 43.) That same

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day, Judge Wettre also denied a Motion To Seal the Entire Docket (D.E. 32) and a Motion To Appoint Pro Bono Counsel (D.E. 34), which Plaintiff had also filed during the pendency of his appeal (D.E. 41; D.E. 42); and

WHEREAS on August 12, 2021, this Court granted Defendant's Motion to Dismiss the First Amended Complaint pursuant to Rules 8 and 12(b)(6) because the First Amended Complaint failed to provide a clear narrative of either the factual or legal basis for Plaintiff's claims. (D.E. 44 at 3-4.) This Court also *sua sponte* dismissed Plaintiff's Motion for a Permanent Injunction because Plaintiff failed to articulate any of the elements required for injunctive relief or provide any non-frivolous basis for this Court to grant its request to enjoin both the State of New Jersey and the New Jersey Governor from "appoint[ing]" Justices to the New Jersey Supreme Court (D.E. 44 at 4-5); and

WHEREAS on August 19, 2021, Plaintiff filed a Notice of Appeal in the United States Court of Appeals for the Third Circuit appealing this Court's Order dismissing Plaintiff's First Amended Complaint and Motion for a Permanent Injunction (D.E. 46); and

WHEREAS on January 12, 2022, Plaintiff filed a Motion to Appoint Guardian ad Litem or attorney (D.E. 51), which had yet to be screened due to Plaintiff's appeal to the United States Court of Appeals for the Third Circuit; and

WHEREAS on March 18, 2022, during the pendency of his appeal to the United States Court of Appeals for the Third Circuit, Plaintiff filed an Emergency Order to Show Cause seeking entry of an order prohibiting the Superior Court of New Jersey, Middlesex County Family Division and the State of New Jersey from effectuating his arrest in connection with a family court action in the Superior Court of New Jersey. (D.E. 54.) Plaintiff's Order to Show Cause had yet to be screened due to Plaintiff's appeal to the United States Court of Appeals for the Third Circuit; and

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WHEREAS on May 11, 2022, the United States Court of Appeals for the Third Circuit affirmed this Court's Order entered on August 16, 2021 dismissing Plaintiff's First Amended Complaint and Motion for a Permanent Injunction; and

WHEREAS this Court reviews Plaintiff's Second Amended Complaint pursuant to Rule 8(a)(2) and (3) and *Ashcroft v. Iqbal*, 556 U.S. at 662; and

WHEREAS *pro se* complaints, although "[held] to less stringent standards than formal pleadings drafted by lawyers," *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), must still "state a plausible claim for relief." *Yoder v. Wells Fargo Bank, N.A.*, 566 F. App'x 138, 141 (3d Cir. 2014) (quoting *Walker v. Schult*, 717 F.3d 119, 124 (2d Cir. 2013)); and

WHEREAS Plaintiff's Second Amended Complaint, like the First Amended Complaint, is largely incoherent. (D.E. 31.) In it, Plaintiff appears to assert claims under both United States and Indian law related to familial disputes, domestic violence incidents, and some form of housing discrimination. (See generally D.E. 31.) Plaintiff again names a myriad of Defendants, including, *inter alia*, his ex-wife and her family, law firms, property management companies, landlords, and countless New Jersey state court judges. (*Id.* ¶¶ 1, 11-19, 21-55.) Plaintiff's allegations span the gamut from stolen bicycles (*id.* ¶¶ 60-67), divorce proceedings in New Jersey and India (*id.* ¶¶ 69-72), corruption in the New Jersey state judicial system (*id.* ¶¶ 74-75), family feuds and inheritances (*id.* ¶ 80), domestic violence allegations (*id.* ¶¶ 90-91), child support disputes (*id.* ¶¶ 345, 349), civil rights abuses by police (*id.* ¶¶ 358-364), and beyond. Plaintiff seeks relief in nearly countless forms, including damages for alleged harms including "[h]ealth," "robbery," "kids injury" and "education," "loss of conjugal rights," "false arrest," "false jailing," "tort," "medical malpractice," "intentional failure to excise/do the duty/authority," "[f]ailure to operate the office," "[c]hild

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[a]buse,” “neglect,” “parental liberty/parent[al] right[s] violation[s],” “encouraging” and “enjoying” “child abuse,” and a “few more . . .” (*Id.* ¶ 1); and

WHEREAS the Second Amended Complaint fails to provide a clear narrative of either the factual or legal basis for Plaintiff’s claims. Much of the Second Amended Complaint appears to have been copied from prior pleadings, which were also dismissed for failure to comply with Rule 8 and upheld on appeal. (*See* D.E. 1, 3, 7, and 44.) Plaintiff also reiterates allegations against New Jersey state court judges that were dismissed with prejudice. (*See* D.E. 7 ¶¶ 32-49.) Therefore, the facts alleged in Plaintiff’s Second Amended Complaint are insufficient to support a claim entitling Plaintiff to relief. *See* Fed. R. Civ. P. 8(a)(2) (providing that an adequate complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief”); *see also* *Ashcroft v. Iqbal*, 556 U.S. at 678 (stating that although Rule 8 does not require detailed factual allegations, “it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation”); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (explaining that to survive a Rule 12(b)(6) motion to dismiss, a plaintiff’s “[f]actual allegations must be enough to raise a right to relief above the speculative level”); *Trammell v. All Other Collateral Heirs of Est. of Marie Jones Polk*, 446 F. App’x 437, 439 (3d Cir. 2011) (upholding a District Court’s *sua sponte* dismissal where the “factual allegations” were “simply unbelievable”). This Court may dismiss claims that are “legally baseless if [they are] ‘based on an indisputably meritless legal theory,’” or are factually baseless because the “facts alleged rise to the level of the irrational or the wholly incredible.” *Picozzi v. Guy Peiagelee & Sons*, 313 F. Supp. 3d 600, 602 (E.D. Pa. 2018) (internal citations omitted). As a result, Plaintiff’s Second Amended Complaint must be dismissed¹; and

¹ To the extent that there is any confusion regarding the validity of the First Amended Complaint, the First Amended Complaint is dismissed for the reasons previously stated in this Court’s Opinion dated August 12, 2021.

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WHEREAS Plaintiff's Motion to Appoint Guardian ad Litem or attorney and Plaintiff's Order to Show Cause filed in connection with a state court family action are dismissed as moot; and therefore

Plaintiff's Second Amended Complaint is *sua sponte* **DISMISSED WITH PREJUDICE**.

An appropriate order follows.

/s/ Susan D. Wigenton

SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
cc: Leda D. Wettre, U.S.M.J.
Parties

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Exh-4

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PALANI KARUPAIYAN, *et al.*,

Plaintiffs,

v.

L NAGANDA, *et al.*,

Defendants.

Civil Action No.

20-12356 (SDW) (LDW)

ORDER

THIS MATTER having come before the Court by way of *pro se* plaintiff Palani Karupaiyan's second motion for appointment of *pro bono* counsel (ECF No. 61) and second motion to appoint himself guardian ad litem for his minor children P.P. and R.P and for defendant Ramya Palani (ECF No. 64); and

WHEREAS by Opinion and Order dated May 20, 2022, Judge Wigenton dismissed plaintiff's second amended complaint with prejudice for failure to comply with Rule 8 (ECF Nos. 56, 57); and

WHEREAS on May 31, 2022, plaintiff filed a Notice of Appeal of the May 20, 2022 dismissal (ECF No. 58); and

WHEREAS "[a]s a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a Court of Appeals and divesting a district court of its control over those aspects of the case involved in the appeal." *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985); therefore,

IT IS on this day, June 6, 2022, **ORDERED** that:

1. Plaintiff's motion for the appointment of *pro bono* counsel and the motion to appoint himself guardian ad litem are **DENIED** for lack of jurisdiction.

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2. The Clerk of Court is directed to terminate the motions at ECF No. 61 and 64.

s/ Leda Dunn Wettre

Hon. Leda Dunn Wettre

United States Magistrate Judge

NOT FOR PUBLICATION

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Exh-5

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Plaintiff,

v.

L NAGANDA *et al.*,

Defendants.

Civil Action No. 20-12356 (SDW)(LDW)

WHEREAS ORDER

June 7, 2022

WIGENTON, District Judge.

THIS MATTER having come before this Court upon *pro se* Plaintiff Palani Karupaiyan's ("Plaintiff") filing of a second Motion for a Permanent Injunction¹ on June 2, 2022 (D.E. 59); and

WHEREAS by Opinion and Order dated May 20, 2022, this Court dismissed Plaintiff's second amended complaint with prejudice for failure to comply with Rule 8 (D.E. 56, 57); and

WHEREAS on May 31, 2022, Plaintiff filed a Notice of Appeal of the May 20, 2022 dismissal (D.E. 58); and

WHEREAS "[a]s a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a Court of Appeals and divesting a district court of its control over those aspects of the case involved in the appeal." *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985); and

¹ Plaintiff filed an Amended Motion for Permanent Injunction on June 4, 2022 (D.E. 63).

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WHEREAS this Court lacks jurisdiction over Plaintiff's Motion for a Permanent Injunction. (D.E. 59.) Significantly, even if this Court had jurisdiction over Plaintiff's motion, Plaintiff's motion would be denied because this action was dismissed by Opinion and Order dated May 20, 2022. (D.E. 56, 57.) Absent direction from the United States Court of Appeals for the Third Circuit, no further consideration by this Court on this matter is warranted; therefore

IT IS, on this 7th day of June 2022, **ORDERED** that:

1. Plaintiff's Motion for a Permanent Injunction is **DENIED** for lack of jurisdiction.
2. The Clerk of Court is directed to terminate the Motion for a Permanent Injunction (D.E. 59, 63.)

SO ORDERED.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
Parties
Leda D. Wettre, U.S.M.J.

NOT FOR PUBLICATION

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Exh-6

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Plaintiff,

v.

L NAGANDA *et al.*,

Defendants.

Civil Action No. 20-12356(SDW)(LDW)

ORDER

August 12, 2021

THIS MATTER having come before this Court upon the filing of *pro se* Plaintiff Palani Karupaiyan's ("Plaintiff") Motion for a Permanent Injunction (D.E. 38) and First Amended Complaint (D.E. 7), and Defendant County of Middlesex's ("Defendant") Motion to Dismiss the First Amended Complaint pursuant to Federal Rules of Civil Procedure ("Rule") 8 and 12(b)(6) (D.E. 33), and this Court having reviewed the parties' submissions and for the reasons set forth in this Court's Opinion dated August 12, 2021,

IT IS, on this 12th day of August, 2021,

ORDERED that Defendant's Motion to Dismiss the First Amended Complaint (D.E. 33) is **GRANTED** pursuant to Rules 8 and 12(b)(6), and it appearing that any amendment to the Complaint would be futile, the dismissal shall be **with prejudice**; and it is further

ORDERED that Plaintiff's Motion for a Permanent Injunction (D.E. 38) is *sua sponte* **DISMISSED**.

SO ORDERED.

/s/ Susan D. Wigenton
United States District Judge

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Orig: Clerk
cc: Parties
Leda D. Wettre, U.S.M.J.

NOT FOR PUBLICATION

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Exh-7

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Plaintiff,

v.

L NAGANDA *et al.*,

Defendants.

Civil Action No. 20-12356(SDW)(LDW)

OPINION

August 12, 2021

THIS MATTER having come before this Court upon the filing of *pro se* Plaintiff Palani Karupaiyan's ("Plaintiff") Motion for a Permanent Injunction (D.E. 38) and First Amended Complaint (D.E. 7), and Defendant County of Middlesex's ("Defendant") Motion to Dismiss the First Amended Complaint pursuant to Federal Rules of Civil Procedure ("Rule") 8 and 12(b)(6) (D.E. 33); and

WHEREAS by Order dated October 1, 2020, this Court granted Plaintiff's application to proceed *in forma pauperis*, dismissed all claims in the initial Complaint against a number of New Jersey state court judges with prejudice on the basis of absolute immunity, dismissed the remaining claims in the initial Complaint without prejudice, and gave Plaintiff 30 days to file an Amended Complaint (D.E. 3); and

WHEREAS Plaintiff filed a 347-page First Amended Complaint on October 8, 2020 (D.E. 7), which has yet to be screened due to Plaintiff's serial appeals to the United States Court of Appeals for the Third Circuit. The body of the First Amended Complaint reiterates many of the same allegations against New Jersey state court judges that were previously dismissed with prejudice. (*See id.* ¶¶ 32-49); and

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WHEREAS on May 24, 2021, Plaintiff filed a 468-page Second Amended Complaint, (D.E. 31), although his First Amended Complaint had yet to be screened due to a series of appeals that remained pending in the United States Court of Appeals for the Third Circuit; and

WHEREAS on June 11, 2021, Defendant County of Middlesex (“Defendant”) filed a Motion to Dismiss the First Amended Complaint, although one of Plaintiff’s appeals remained pending. (D.E. 33.) In that Motion to Dismiss, Defendant argues that Plaintiff’s Complaint fails to articulate a coherent short and plain statement that would entitle Plaintiff to relief, as required by Rule 8, and further fails to state a plausible claim to relief pursuant to Rule 12(b)(6). (*See generally id.*) Plaintiff opposed the Motion to Dismiss on June 18, 2021, (D.E. 35), and Defendant replied on June 29, 2021 (D.E. 36); and

WHEREAS on July 13, 2021, Plaintiff filed a Motion for an Extension of Time to File a Third Amended Complaint, (D.E. 39), although his First Amended Complaint had yet to be screened due to his pending appeal. That same day, Plaintiff also filed a Motion for a Permanent Injunction (D.E. 38); and

WHEREAS on August 5, 2021, the United States Court of Appeals for the Third Circuit dismissed Plaintiff’s final pending appeal for lack of jurisdiction (D.E. 43); and

WHEREAS on August 11, 2021, Magistrate Judge Leda D. Wettre denied Plaintiff’s Motion for an Extension of Time to File a Third Amended Complaint. (*See* D.E. 43.) That same day, Judge Wettre also denied a Motion To Seal the Entire Docket (D.E. 32) and a Motion To Appoint Pro Bono Counsel (D.E. 34), which Plaintiff had also filed during the pendency of his appeal (D.E. 41; D.E. 42); and

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WHEREAS this Court now reviews the substance of Plaintiff's First Amended Complaint pursuant to Rule 8(a)(2) and (3) and *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 173 L.Ed.2d 868 (2009), and considers the arguments raised in Defendant's Motion to Dismiss; and

WHEREAS Plaintiff's First Amended Complaint is largely incoherent and partially illegible due to areas that have been crossed out. (D.E. 7.) In it, Plaintiff appears to assert claims under both United States and Indian law related to familial disputes, domestic violence incidents, and some form of housing discrimination. (*See generally* D.E. 7.) Plaintiff names a myriad of Defendants, including, *inter alia*: his ex-wife and her family, law firms, property management companies, landlords, and countless New Jersey state court judges. (*Id.* ¶¶ 11-17, 21-55.) Plaintiff's allegations span the gamut from stolen bicycles (*id.* ¶¶ 60-67), divorce proceedings in New Jersey and India (*id.* ¶¶ 69-72), corruption in the New Jersey state judicial system (*id.* ¶¶ 74-75), family feuds and inheritances (*id.* ¶ 80), domestic violence allegations (*id.* ¶¶ 90-91), child support disputes (*id.* ¶¶ 345, 349), civil rights abuses by police (*id.* ¶¶ 358-360), and beyond. The majority of Plaintiff's claims seem connected to a domestic violence incident where Plaintiff's ex-wife alleged that he "squeezed [her] neck and attempted to murder her ... to get custody of the[ir] children to abduct them to India." (*Id.* ¶ 145.) Plaintiff seeks relief in nearly countless forms, including damages for alleged harms including "[h]ealth," "robbery," "kids injury" and "education," "loss of conjugal rights," "false arrest," "false jailing," "tort," "medical malpractice," "intentional failure to excise/do the duty/authority," "[f]ailure to operate the office," "[c]hild [a]buse," "neglect," "parental liberty/parent[al] right[s] violation[s]," "encouraging" and "enjoying" "child abuse," and a "few more . . ." (*Id.* ¶ 1); and

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WHEREAS *pro se* complaints, although “[held] to less stringent standards than formal pleadings drafted by lawyers,” *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), must still “state a plausible claim for relief.” *Yoder v. Wells Fargo Bank, N.A.*, 566 F. App’x. 138, 141 (3d Cir. 2014) (quoting *Walker v. Schult*, 717 F.3d 119, 124 (2d Cir. 2013)); *Martin v. U.S. Dep’t of Homeland Sec.*, No. 17-3129, 2017 WL 3783702, at *3 (D.N.J. Aug. 30, 2017); and

WHEREAS the First Amended Complaint fails to provide a clear narrative of either the factual or legal basis for Plaintiff’s claims. Much of the First Amended Complaint appears to have been copied from a prior pleading, which was also dismissed “for failure to comply” with Rule 8 and upheld on appeal. (See D.E. 33 at 5.) Plaintiff also reiterates allegations against New Jersey state court judges that were dismissed with prejudice. (See D.E. 7 ¶¶ 32-49.) Therefore, the facts alleged in Plaintiff’s First Amended Complaint are insufficient to support a claim entitling Plaintiff to relief. See Fed. R. Civ. P. 8(a)(2) (providing that an adequate complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief”); see also *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (stating that although Rule 8 does not require detailed factual allegations, “it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation”); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (explaining that to survive a Rule 12(b)(6) motion to dismiss, a plaintiff’s “[f]actual allegations must be enough to raise a right to relief above the speculative level”); (D.E. 33.) As a result, this Court will grant Defendant’s Motion to Dismiss; and

WHEREAS Plaintiff’s Motion for a Permanent Injunction is also largely incoherent, but appears to request a “[p]ermanent injection [sic] against New Jersey that New Jersey should not appoint Justice[s] in [the] New Jersey Supreme Court.” (D.E. 38 at 1.) The Motion seemingly

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alleges wide-ranging corruption in the New Jersey state judicial appointment system and attempts to raise additional allegations related to “court packing,” (*id.* at 3), “civil right[s], age discrimination, [and] equal employment opportunities,” (*id.* at 4); and

WHEREAS in seeking a permanent injunction, a plaintiff must demonstrate: “(1) that it has suffered an irreparable injury; (2) that the remedies available at law, such as monetary damages, prove inadequate to compensate for that injury; (3) that the balance of hardships between the plaintiff and defendant favor equitable relief; and (4) ‘that the public interest would not be disserved by a permanent injunction.’” *Chanel, Inc. v. Matos*, 133 F. Supp. 3d 678, 689 (D.N.J. 2015) (internal citations omitted); and

WHEREAS this Court will *sua sponte* dismiss Plaintiff’s Motion for a Permanent Injunction, which fails to state a claim that is not factually frivolous. *Trammell v. All Other Collateral Heirs of Est. of Marie Jones Polk*, 446 F. App’x 437, 439 (3d Cir. 2011) (upholding a District Court’s *sua sponte* dismissal where the “factual allegations” were “simply unbelievable”). This Court may dismiss claims that are “legally baseless if [they are] ‘based on an indisputably meritless legal theory,’” or are factually baseless because the “facts alleged rise to the level of the irrational or the wholly incredible.” *Picozzi v. Guy Peiagelee & Sons*, 313 F. Supp. 3d 600, 602 (E.D. Pa. 2018) (internal citations omitted). Plaintiff’s Motion for a Permanent Injunction does not articulate any of the elements required for injunctive relief or provide any non-frivolous basis for this Court to grant its request to enjoin both the State of New Jersey and the New Jersey Governor from “appoint[ing]” Justices to the New Jersey Supreme Court. (D.E. 38 at 4.) As a result, it must be dismissed. An appropriate Order follows.

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/s/ Susan D. Wigenton
United States District Judge

Orig: Clerk
cc: Parties
Leda D. Wettre, U.S.M.J.

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Exh-8

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PALANI KARUPAIYAN, *et al.*,

Plaintiffs,

v.

L NAGANDA, *et al.*,

Defendants.

Civil Action No.

20-12356 (SDW) (LDW)

ORDER

THIS MATTER having come before the Court by way of *pro se* plaintiff Palani Karupaiyan's motion for an extension of time to October 30, 2021 to file a proposed third amended complaint, which the Court construes as a motion for leave to file an amended complaint (ECF No. 39); and

WHEREAS by Order dated October 1, 2020, the Hon. Susan D. Wigenton, U.S.D.J. granted plaintiff's application to proceed *in forma pauperis*, dismissed all claims in the initial complaint against a number of New Jersey State Court Judges with prejudice on the basis of absolute immunity, dismissed the remaining claims in the initial complaint without prejudice, and gave plaintiff 30 days to file an amended complaint (ECF No. 3); and

WHEREAS plaintiff filed a 347-page amended complaint on October 8, 2020 (ECF No. 7), which has yet to be screened due to plaintiff's serial appeals to the United States Court of Appeals for the Third Circuit; and

WHEREAS plaintiff nevertheless filed a 468-page second amended complaint on May 24, 2021 (ECF No. 31); and

WHEREAS defendant County of Middlesex filed a motion to dismiss plaintiff's first amended complaint on June 11, 2021, which is currently pending (ECF No. 33); and

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WHEREAS it does not appear that plaintiff may further amend the complaint as a matter of course pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, as plaintiff has already filed two amended complaints, the District Court has not yet authorized service of process, and this application was made more than 21 days after Middlesex County filed its motion to dismiss; and

WHEREAS although the Court should freely grant leave to amend pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, plaintiff has not identified any new facts, claims, or parties that are not contained in either of the two lengthy amended complaints he has already filed or that would rectify the deficiencies identified in Middlesex County's motion to dismiss such that further amendment would be justified at this time; therefore,

IT IS on this day, August 11, 2021, **ORDERED** that:

1. Plaintiff's motion for an extension of time to file a third amended complaint is **DENIED**.

The Court will address deadlines for the filing of any additional amended pleadings, if appropriate, after the District Court has screened the first amended complaint and/or resolved Middlesex County's pending motion to dismiss.

2. The Clerk of Court is directed to terminate the motion at ECF No. 39.

s/ Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge

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Exh-9

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PALANI KARUPAIYAN, *et al.*

Plaintiffs,

v.

L. NAGANDA, *et al.*,

Defendants.

Civil Action No.

20-12356 (SDW) (LDW)

ORDER

THIS MATTER having come before the Court by way of *pro se* plaintiff Palani Karupaiyan's motion for an order directing the U.S. Marshals Service to effect service of process of the Amended Complaint (ECF No. 17); and

WHEREAS by Order dated October 1, 2020, the Hon. Susan D. Wigenton, U.S.D.J. granted plaintiff's application to proceed *in forma pauperis*, dismissed all claims in the initial Complaint against a number of New Jersey State Court Judges with prejudice on the basis of absolute immunity, and dismissed the remaining claims in the initial Complaint without prejudice (ECF No.3); and

WHEREAS on October 8, 2020, plaintiff filed a notice of appeal of Judge Wigenton's October 1, 2020 dismissal Order (ECF No. 5); and

WHEREAS on October 8, 2020, plaintiff also filed an Amended Complaint (ECF No. 7); and

WHEREAS on December 3, 2020, plaintiff filed certificates of service of the Amended Complaint on a number of defendants, including the New Jersey State Court Judges who have been dismissed from this action and do not appear to be named defendants in the Amended Complaint (ECF Nos. 13-16); and

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WHEREAS plaintiff now requests that the Court authorize service of the Amended Complaint by the U.S. Marshals Service to remedy any defect in service previously effectuated (ECF No. 17); and

WHEREAS “[a]s a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a Court of Appeals and divesting a district court of its control over those aspects of the case involved in the appeal,” unless the appeal is taken from a non-appealable order. *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985); and

WHEREAS with respect to those claims that were dismissed without prejudice, “an order dismissing a complaint without prejudice is not a final and appealable order, unless the plaintiff no longer can amend the complaint because, for example, the statute of limitations has run, or the plaintiff has elected to stand on the complaint.” *Morton Int’l, Inc. v. A.E. Staley Mfg. Co.*, 460 F.3d 470, 477 (3d Cir. 2006) (quotation omitted); and

WHEREAS plaintiff’s appeal is currently pending, and the Third Circuit has not yet determined whether Judge Wigenton’s October 1, 2020 Order is appealable or whether the appeal should be dismissed for lack of appellate jurisdiction; and

WHEREAS it is not clear that the District Court presently has jurisdiction to order service, nor is it apparent that service by the U.S. Marshals is necessary in light of plaintiff’s own attempts to effectuate service of the Amended Complaint; and

WHEREAS as Judges cannot provide legal advice to *pro se* litigants, the Court is unable to identify any defects in service for plaintiff and “guide the *pro se* plaintiffs how to rectify the defect in simple plain language” as requested. *Karupaiyan Aff.* ¶ 3, ECF No. 17. *See Pliler v.*

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Ford, 542 U.S. 225, 231 (2004) (“District judges have no obligation to act as counsel or paralegal to *pro se* litigants.”); therefore,

IT IS on this day, February 9, 2021, **ORDERED** that:

1. Plaintiff’s motion for an order directing the U.S. Marshals Service to effect service of process of the Amended Complaint is **DENIED WITHOUT PREJUDICE** to refile following the conclusion of the pending appeal and any subsequent screening of the Amended Complaint.
2. The Clerk of Court is directed to terminate the motion at ECF No. 17.
3. The Clerk of Court is directed to serve a copy of this Order on *pro se* plaintiff by U.S. Mail.

s/ Leda Dunn Wettre

Hon. Leda Dunn Wettre

United States Magistrate Judge

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NOT FOR PUBLICATION

Exh-10

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, et al.,

Plaintiffs,

v.

L. NAGANANDA, et al.,

Defendants.

Civil Action No. 20-12356 (SDW)(LDW)

ORDER

October 1, 2020

THIS MATTER having come before this Court upon *pro se* Plaintiff Palani Karupaiyan's ("Karupaiyan" or "Plaintiff")¹ Complaint, filed on September 3, 2020 (D.E. 1), and Application to Proceed *in forma pauperis* ("IFP application"), filed on the same day (D.E. 1-2); and

WHEREAS Plaintiff did not fully complete the IFP application, leaving the entirety of question 8 blank, except listing expenses related to "Alimony, maintenance, and support paid to others," which appear to make up the totality of Plaintiff's expenses (D.E. 1-2 at 4-5); and

WHEREAS *pro se* complaints, "however inartfully pleaded, are . . . [held] to less stringent standards than formal pleadings drafted by lawyers[.]" *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Nonetheless, "even 'a pro se complaint must state a plausible claim for relief.'" *Yoder v. Wells Fargo Bank, N.A.*, 566 F. App'x 138, 141 (3d Cir. 2014) (quoting *Walker v. Schult*, 717 F.3d 119, 124 (2d Cir. 2013)); *Martin v. U.S. Dep't of Homeland Sec.*, Civ. No. 17-3129, 2017 WL 3783702, at *3 (D.N.J. Aug. 30, 2017). Additionally, per Federal Rule of Civil Procedure ("Rule")

¹ The Complaint also lists Karupaiyan's children, "P.P." and "R.P." as plaintiffs. At times, Plaintiff lists "K Pazhani" as the plaintiff in this matter. "K Pazhani" appears to be a variation of Plaintiff's name. (See D.E. 1 ¶ 4.)

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8, an adequate complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief,” *see* Fed. R. Civ. P. 8(a)(2); and

WHEREAS Plaintiff’s complaint does not comply with Rule 8. The Complaint, which is 179 pages, single-spaced, with over 1400 paragraphs, is dense and difficult to follow, and comes nowhere near the “short and plain statement” requirement of Rule 8. *See In re Westinghouse Sec. Litig.*, 90 F.3d 696, 703 (3d Cir. 1996) (finding district court did not abuse its discretion when dismissing complaint which was “unnecessarily complex and verbose,” featuring more than “600 paragraphs and 240 pages”); *McDaniel v. N.J. State Parole Bd.*, Civ. No. 08-0978, 2008 WL 824283, at *2 (D.N.J. Mar. 26, 2008) (dismissing, without prejudice, a “rambling and sometimes illegible” 17-page, single-spaced complaint as not in compliance with Rule 8); *Smith v. Dir.’s Choice, LLP*, Civ. No. 15-81, 2016 WL 7165739, at *2-3 (D.N.J. July 28, 2016) (dismissing complaint for failing to meet the requirements of Rule 8 and collecting cases);² and

WHEREAS Plaintiff brings several claims against New Jersey state judges (collectively, “Judges”),³ apparently for ruling against him in various matters before the state court (*see, e.g.*, D.E. 1 ¶ 228 (alleging the “Supreme Court of NJ chief justice” unlawfully “violated the god gift relationship” between him and his children by “[s]eparating [his] kids from [him] by kidnapping or by Court order”); *id.* ¶¶ 241-306 (listing allegations against the Judges, apparently based on or

² The Complaint contains many paragraphs that are confusing, have a tenuous relation to Plaintiff’s claims, or otherwise make claims clearly outside of this Court’s jurisdiction or power. (*See, e.g.*, D.E. 1 ¶ 379 (alleging “[t]he kids and family are the nation resource and human capital value. The stupid run the family court have no-know and damaging the national resource and this country unable to compete globally. See the economist saying China is about to cross US GDP”); *id.* ¶ 587 (requesting this Court enter a “declarative order to promote 7 senior most appellate court judges into NJ supreme court”); *id.* ¶ 1347 (appearing to claim Defendant Jayabalan (sometimes “Jayapalan”), Plaintiff’s father-in-law, violated various antidiscrimination and civil rights laws, in addition to the U.S. Constitution and Indian law, for not giving Plaintiff’s children an inheritance).

³ These are Judges Marcia Silva, Craig Corson, and Jerald Council, of the Middlesex Family Court in New Jersey (D.E. 1 ¶¶ 32-34); Justices Stuart Rabner, Jaynee LaVecchia, Barry T. Albin, Anne M. Patterson, Faustino J. Fernandez-Vina, Lee A. Solomon, and Walter F. Timpone, of the New Jersey Supreme Court (*id.* ¶¶ 36-42); and Judges Glenn A. Grant, Allison E. Accurso, Patrick DeAlmeida, and Joseph Yannotti, of the Appellate Division of the New Jersey courts. (*Id.* ¶¶ 43-46.)

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related to their alleged wrongful rulings on the custody of Plaintiff's children); *id.* ¶ 581 (alleging the Judges failed to remove a final restraining order against Plaintiff); *id.* ¶ 989 (requesting this Court order the Judges to "pay \$50 million dollar[s] to the plaintiff for failure to grant custody of children against the plaintiff" (emphasis in original)));⁴ and

WHEREAS the Judges are absolutely immune to "civil actions for their judicial acts, even when such acts are in excess of their jurisdiction, and are alleged to have been done maliciously or corruptly," *Figueroa v. Blackburn*, 208 F.3d 435, 440 (3d Cir. 2000) (quoting *Stump v. Sparkman*, 435 U.S. 349, 355–56 (1978)), therefore, to the extent Plaintiff's claims against the Judges are for acts carried out in the performance of judicial duties, his claims fail;

IT IS, on this 1st day of October, 2020,

ORDERED that Plaintiff's IFP application (D.E. 1-1) is **GRANTED** despite Plaintiff's failure to properly answer question 8; it is further

ORDERED that the Complaint (D.E. 1) is dismissed without prejudice, except as to Plaintiff's claims (1) against the Judges for acts made in their judicial capacity, and (2) which seek to appeal or overturn the Judges' state court rulings. Such claims are dismissed with prejudice. Plaintiff shall have (30) days to file an Amended Complaint.

SO ORDERED.

/s/ Susan D. Wigenton
United States District Judge

Orig: Clerk
cc: Parties
Leda D. Wettre, U.S.M.J.

⁴ Plaintiff devotes a large portion of his Complaint to making allegations against the Judges, much of which are lengthy and unclear. To the extent Plaintiff requests this Court to overturn the Judges' rulings, it cannot under the *Rooker-Feldman* doctrine. See *In re Madera*, 586 F.3d 228, 232 (3d Cir. 2009) (noting that "[t]he *Rooker-Feldman* doctrine precludes lower federal courts 'from exercising appellate jurisdiction over final state-court judgments'" (internal citations omitted)).

**Additional material
from this filing is
available in the
Clerk's Office.**